



September 14, 2020

Laura Terway  
Community Development Director  
695 Warner Parrott Road  
Oregon City, Oregon 97045

**Re: *Site plan and Design Review Extension***

Dear Laura:

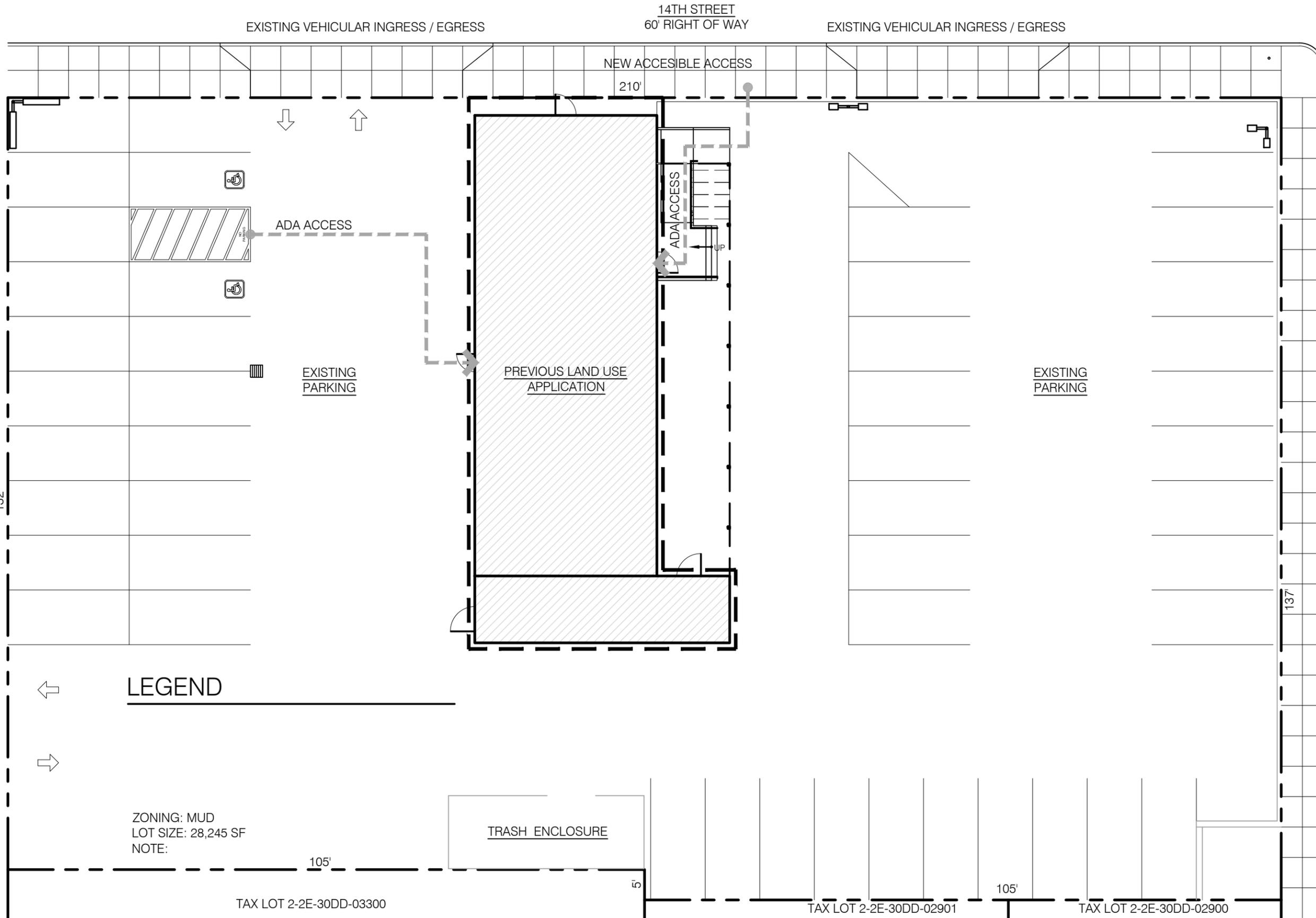
I am writing to request an extension to the land use application review period for the property located at 508 14th St, Oregon City, OR 97045. We do not believe the application / review will be completed within the allowed 120-time required in ORS 227.178. For this reason, we request an extension of a reasonable time so that the City may adequately review the application materials submitted.

If you have any questions, please reach out to our office at any time.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derek Metson", written in a cursive style.

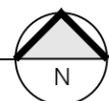
Derek Metson, AIA, NCARB  
Principal



SK-0.1

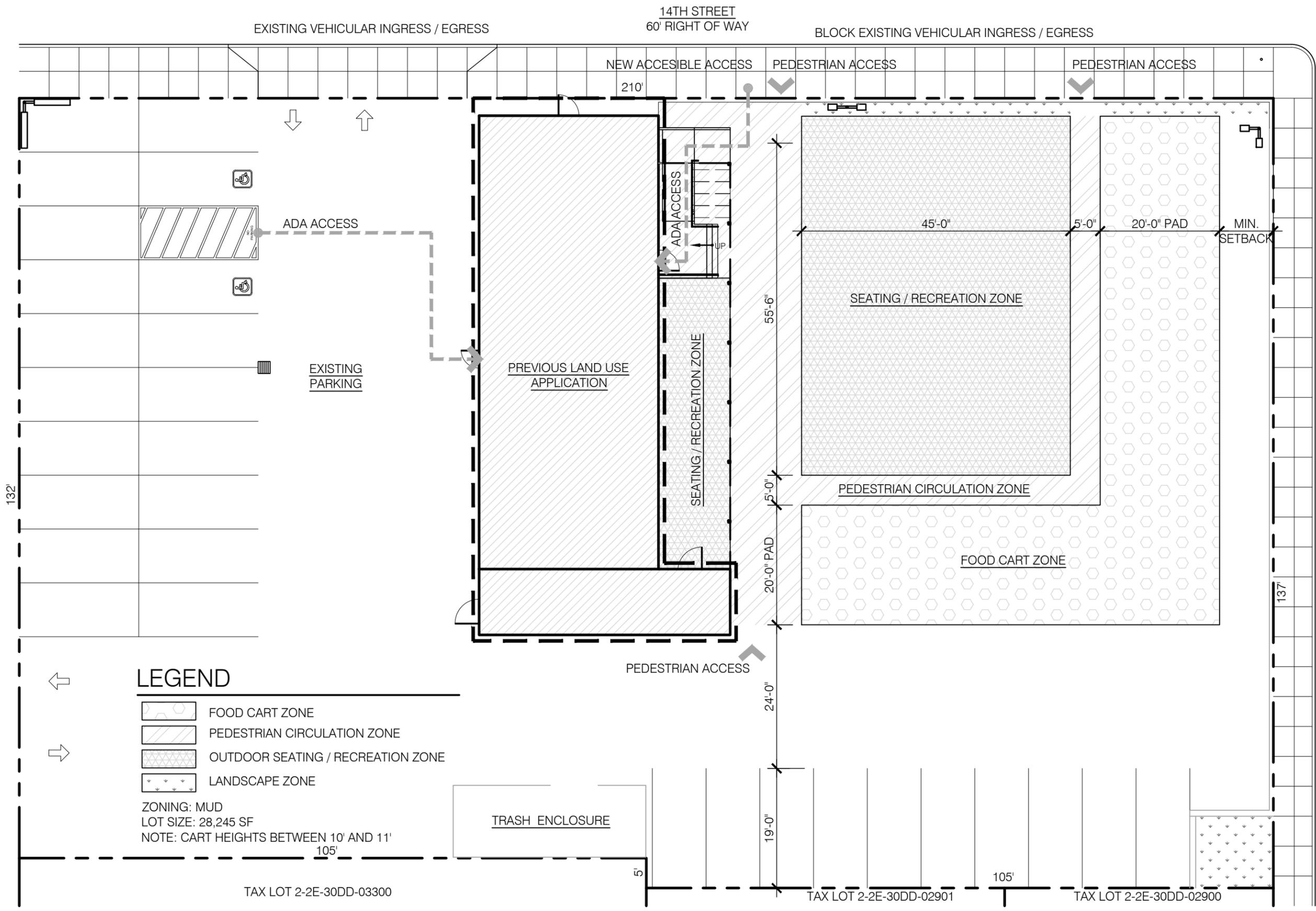
# CORNER 14 EXISTING SITE PLAN

SCALE: 1/16" = 1'-0"



## SK-0.1

# SK-01.1



### LEGEND

-  FOOD CART ZONE
-  PEDESTRIAN CIRCULATION ZONE
-  OUTDOOR SEATING / RECREATION ZONE
-  LANDSCAPE ZONE

ZONING: MUD  
 LOT SIZE: 28,245 SF  
 NOTE: CART HEIGHTS BETWEEN 10' AND 11'

## CORNER 14 GENERAL SITE PLAN

SCALE: 1/16" = 1'-0"



EXISTING VEHICULAR INGRESS / EGRESS

14TH STREET  
 60' RIGHT OF WAY

BLOCK EXISTING VEHICULAR INGRESS / EGRESS

NEW ACCESSIBLE ACCESS

PEDESTRIAN ACCESS

PEDESTRIAN ACCESS

ADA ACCESS

ADA ACCESS

EXISTING  
 PARKING

PREVIOUS LAND USE  
 APPLICATION

SEATING / RECREATION ZONE

SEATING / RECREATION ZONE

PEDESTRIAN CIRCULATION ZONE

FOOD CART ZONE

PEDESTRIAN ACCESS

TRASH ENCLOSURE

TAX LOT 2-2E-30DD-03300

TAX LOT 2-2E-30DD-02901

TAX LOT 2-2E-30DD-02900

WASHINGTON STREET  
 60' RIGHT OF WAY

132'

137'

5'

105'

24'-0"

19'-0"

15'-0"

20'-0" PAD

55'-6"

210'

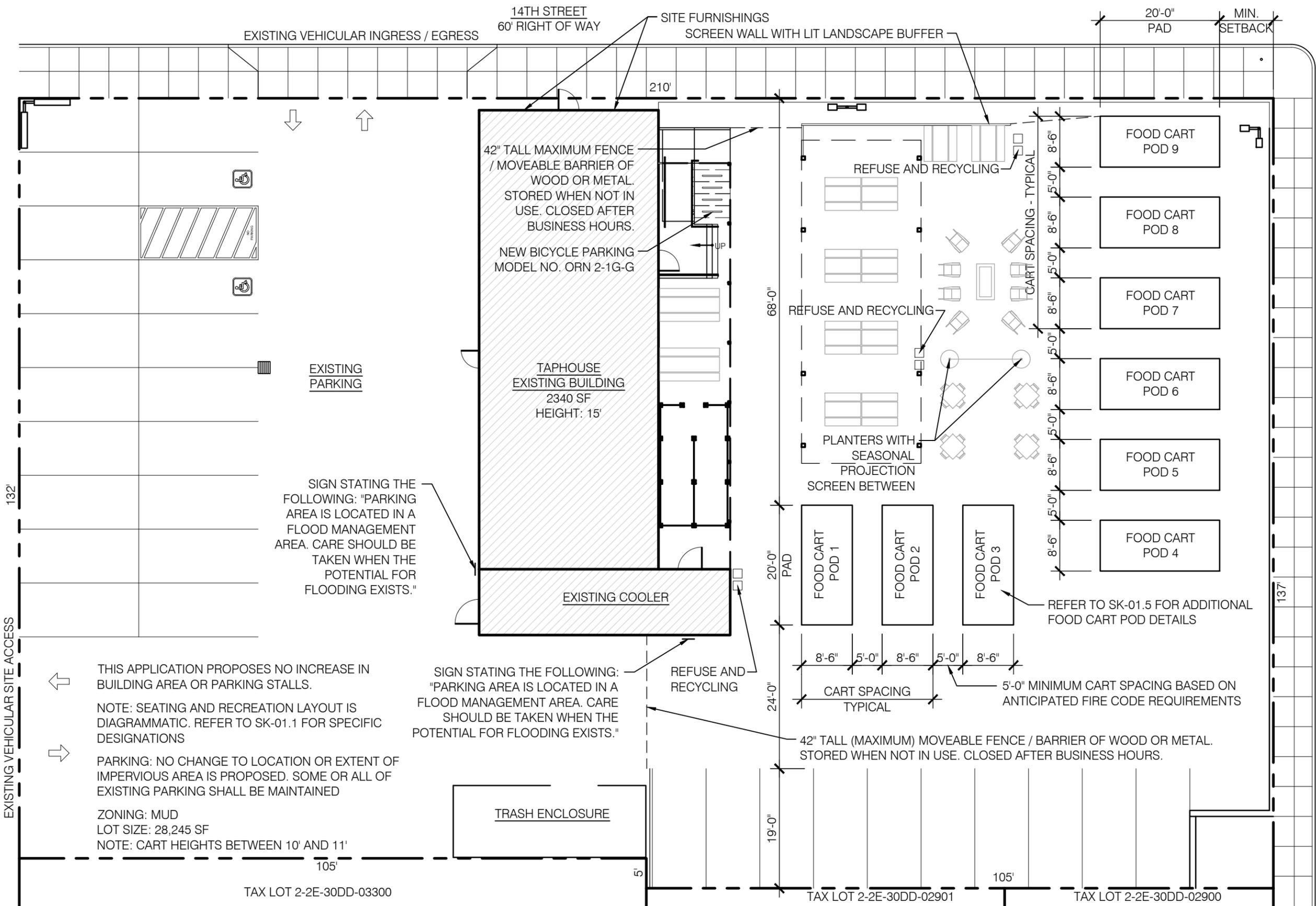
45'-0"

5'-0"

20'-0" PAD

MIN.  
 SETBACK

# SK-01.2



EXISTING PARKING

SIGN STATING THE FOLLOWING: "PARKING AREA IS LOCATED IN A FLOOD MANAGEMENT AREA. CARE SHOULD BE TAKEN WHEN THE POTENTIAL FOR FLOODING EXISTS."

TAPHOUSE  
EXISTING BUILDING  
2340 SF  
HEIGHT: 15'

EXISTING COOLER

TRASH ENCLOSURE

REFUSE AND RECYCLING

REFUSE AND RECYCLING

PLANTERS WITH SEASONAL PROJECTION SCREEN BETWEEN

FOOD CART POD 1  
FOOD CART POD 2  
FOOD CART POD 3

FOOD CART POD 9

FOOD CART POD 8

FOOD CART POD 7

FOOD CART POD 6

FOOD CART POD 5

FOOD CART POD 4

REFER TO SK-01.5 FOR ADDITIONAL FOOD CART POD DETAILS

REFUSE AND RECYCLING

SIGN STATING THE FOLLOWING: "PARKING AREA IS LOCATED IN A FLOOD MANAGEMENT AREA. CARE SHOULD BE TAKEN WHEN THE POTENTIAL FOR FLOODING EXISTS."

42" TALL (MAXIMUM) MOVEABLE FENCE / BARRIER OF WOOD OR METAL. STORED WHEN NOT IN USE. CLOSED AFTER BUSINESS HOURS.

5'-0" MINIMUM CART SPACING BASED ON ANTICIPATED FIRE CODE REQUIREMENTS

CART SPACING TYPICAL

THIS APPLICATION PROPOSES NO INCREASE IN BUILDING AREA OR PARKING STALLS.

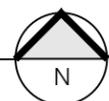
NOTE: SEATING AND RECREATION LAYOUT IS DIAGRAMMATIC. REFER TO SK-01.1 FOR SPECIFIC DESIGNATIONS

PARKING: NO CHANGE TO LOCATION OR EXTENT OF IMPERVIOUS AREA IS PROPOSED. SOME OR ALL OF EXISTING PARKING SHALL BE MAINTAINED

ZONING: MUD  
LOT SIZE: 28,245 SF  
NOTE: CART HEIGHTS BETWEEN 10' AND 11'

## CORNER 14 SITE PLAN - PRELIMINARY CART SPACING AND SEATING PLAN

SCALE: 1/16" = 1'-0"



EXISTING VEHICULAR SITE ACCESS

132'

137'

TAX LOT 2-2E-30DD-03300

TAX LOT 2-2E-30DD-02901

TAX LOT 2-2E-30DD-02900

WASHINGTON STREET  
60' RIGHT OF WAY

EXISTING VEHICULAR INGRESS / EGRESS

14TH STREET  
60' RIGHT OF WAY

SITE FURNISHINGS  
SCREEN WALL WITH LIT LANDSCAPE BUFFER

20'-0" PAD  
MIN. SETBACK

210'

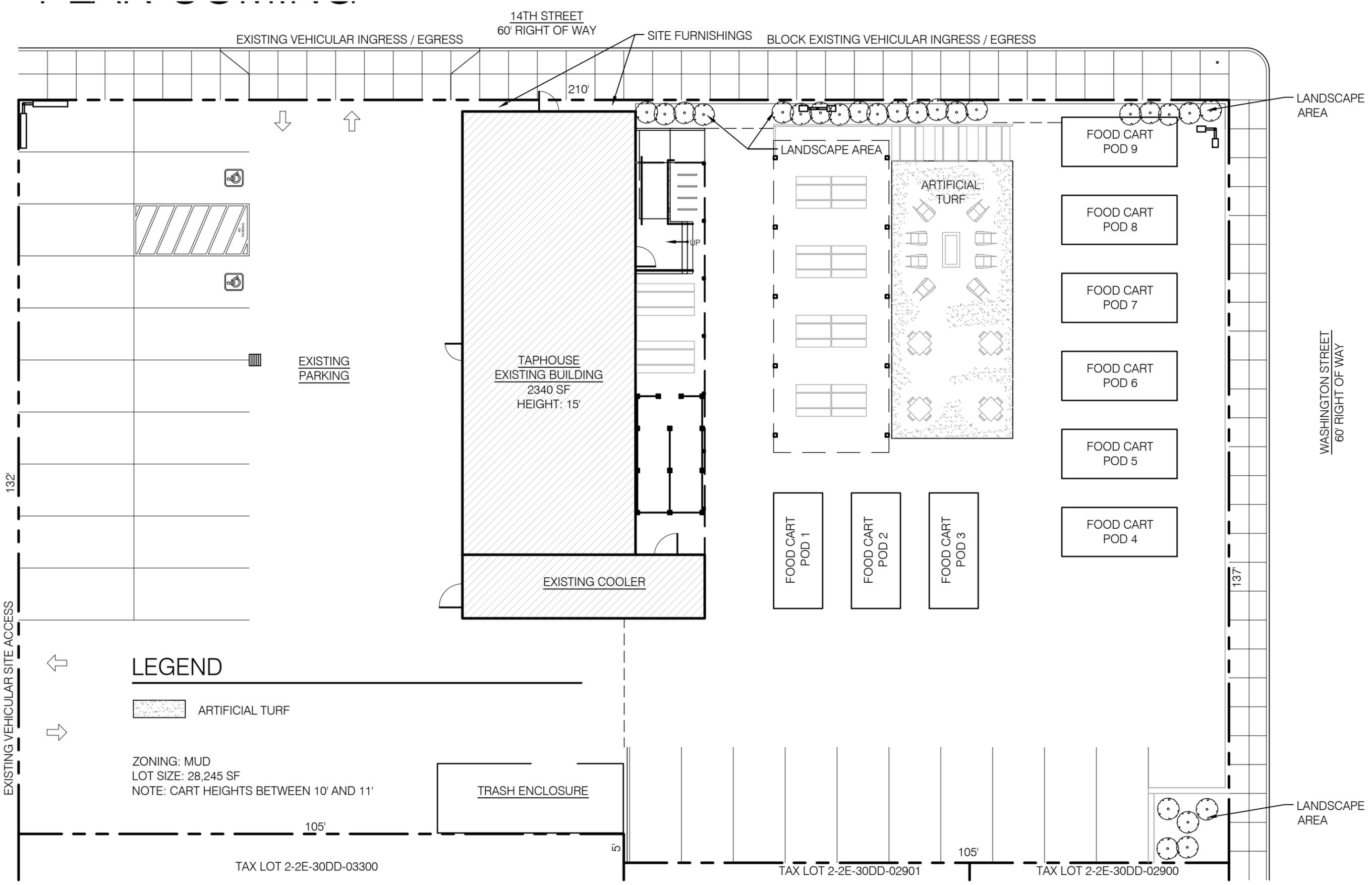
68'-0"

20'-0" PAD

24'-0"

19'-0"

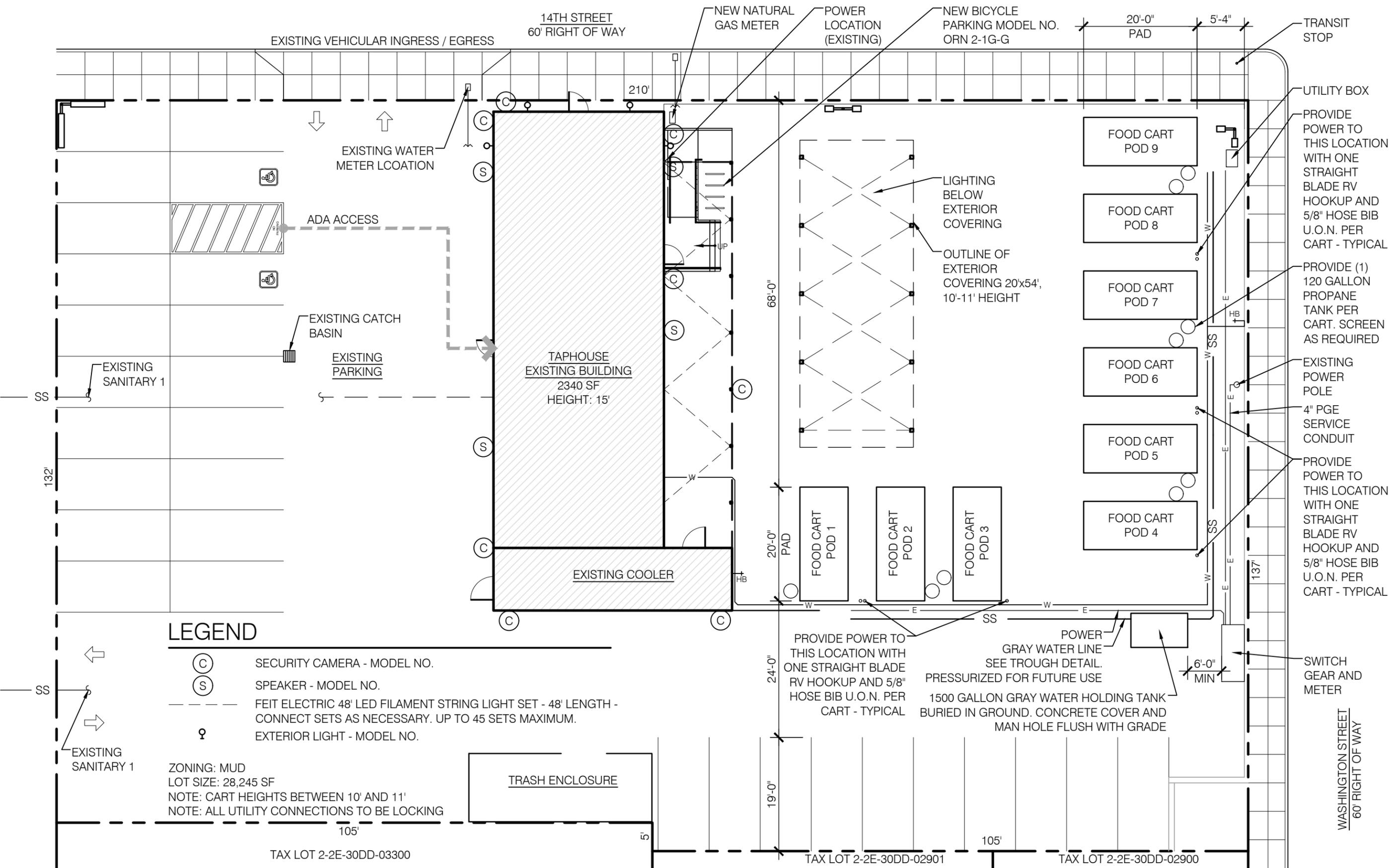
105'



CORNER 14 SITE PLAN - PRELIMINARY LANDSCAPE PLAN

SCALE: 1/16" = 1'-0"





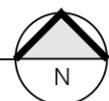
**LEGEND**

- (C) SECURITY CAMERA - MODEL NO.
- (S) SPEAKER - MODEL NO.
- FEIT ELECTRIC 48' LED FILAMENT STRING LIGHT SET - 48' LENGTH - CONNECT SETS AS NECESSARY. UP TO 45 SETS MAXIMUM.
- ♀ EXTERIOR LIGHT - MODEL NO.

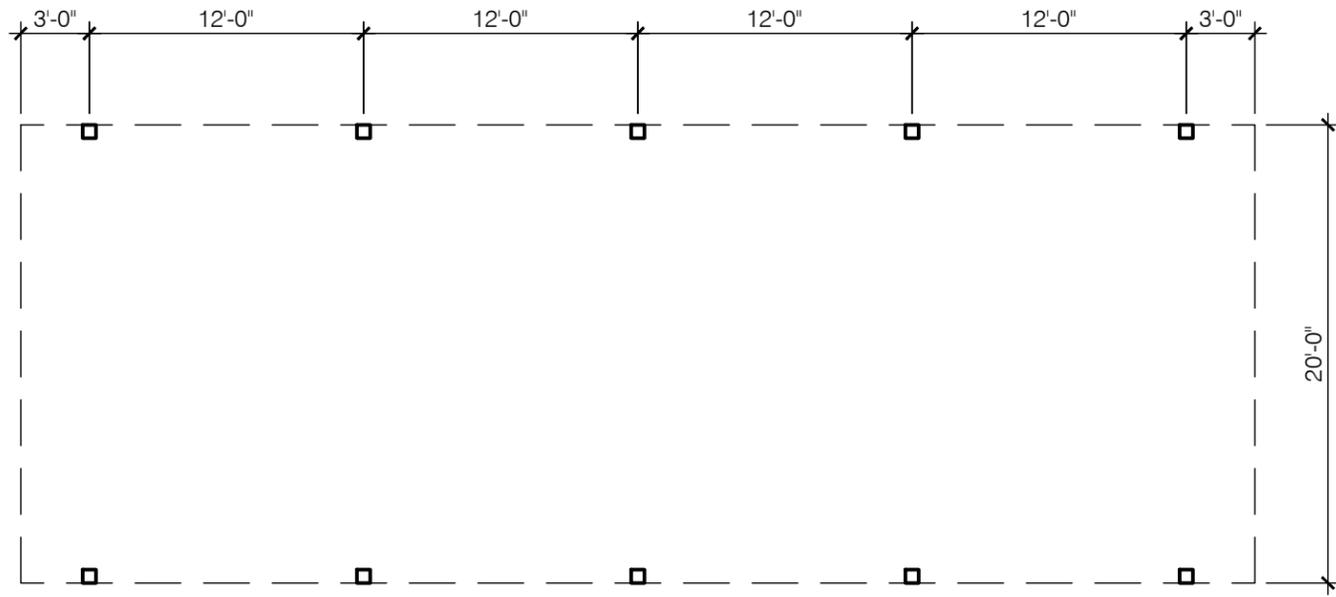
ZONING: MUD  
LOT SIZE: 28,245 SF  
NOTE: CART HEIGHTS BETWEEN 10' AND 11'  
NOTE: ALL UTILITY CONNECTIONS TO BE LOCKING

**CORNER 14 SITE PLAN - UTILITIES**

SCALE: 1/16" = 1'-0"



SK-01.4



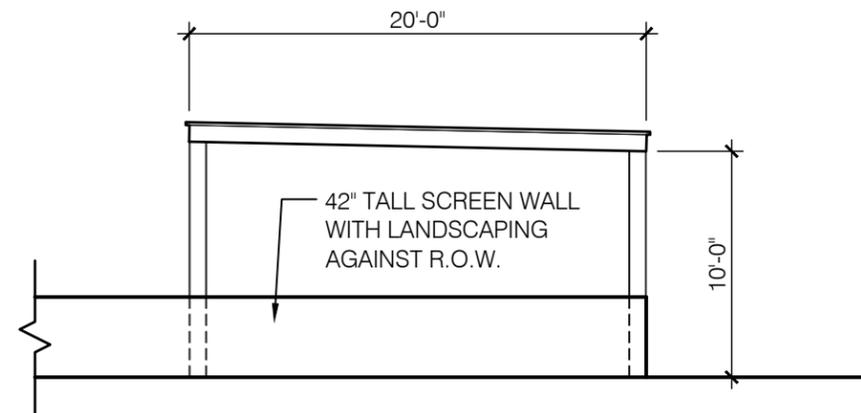
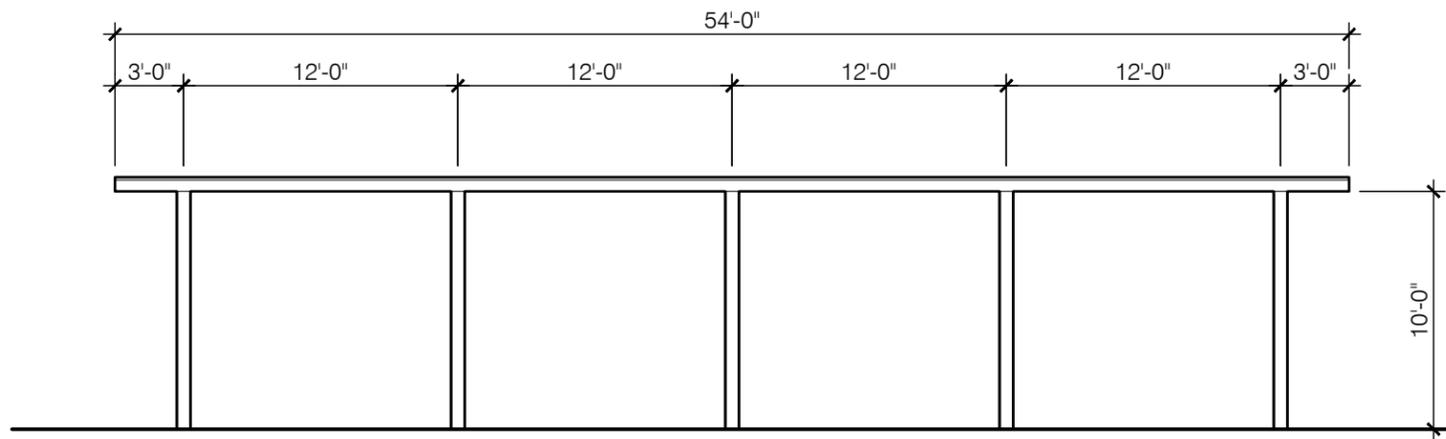
SK-01.5

COVERED AREA - STRUCTURAL LAYOUT

SCALE: 1/8" = 1'-0"

SK-01.5

COVERED AREA - AESTHETIC CONCEPT



SK-01.5

COVERED AREA - EAST ELEVATION

SCALE: 1/8" = 1'-0"

SK-01.5

COVERED AREA - NORTH ELEVATION

SCALE: 1/8" = 1'-0"

FOOD CART

COVERED AREA (NEW)



SK-01.6

### COVERED AREA - EAST ELEVATION

SCALE: 1/8" = 1'-0"

FOOD CART

POSSIBLE SERVICE WINDOW

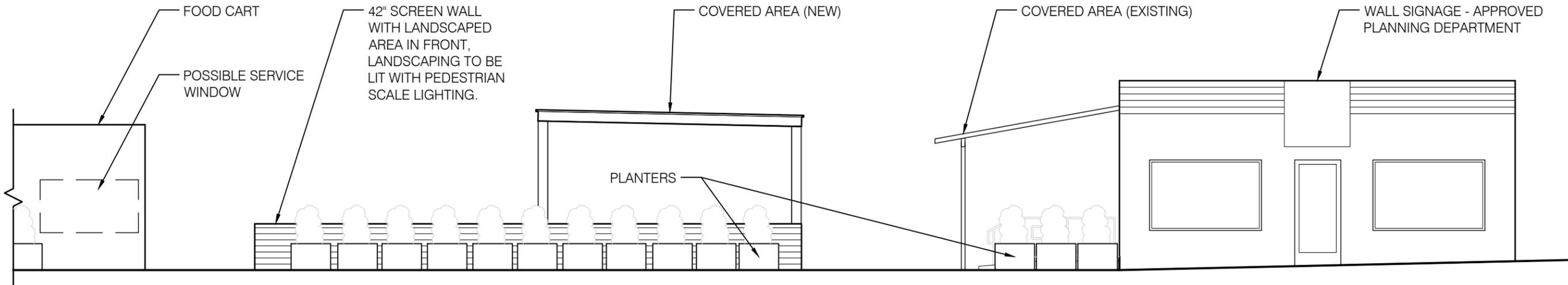
42" SCREEN WALL WITH LANDSCAPED AREA IN FRONT, LANDSCAPING TO BE LIT WITH PEDESTRIAN SCALE LIGHTING.

COVERED AREA (NEW)

PLANTERS

COVERED AREA (EXISTING)

WALL SIGNAGE - APPROVED PLANNING DEPARTMENT

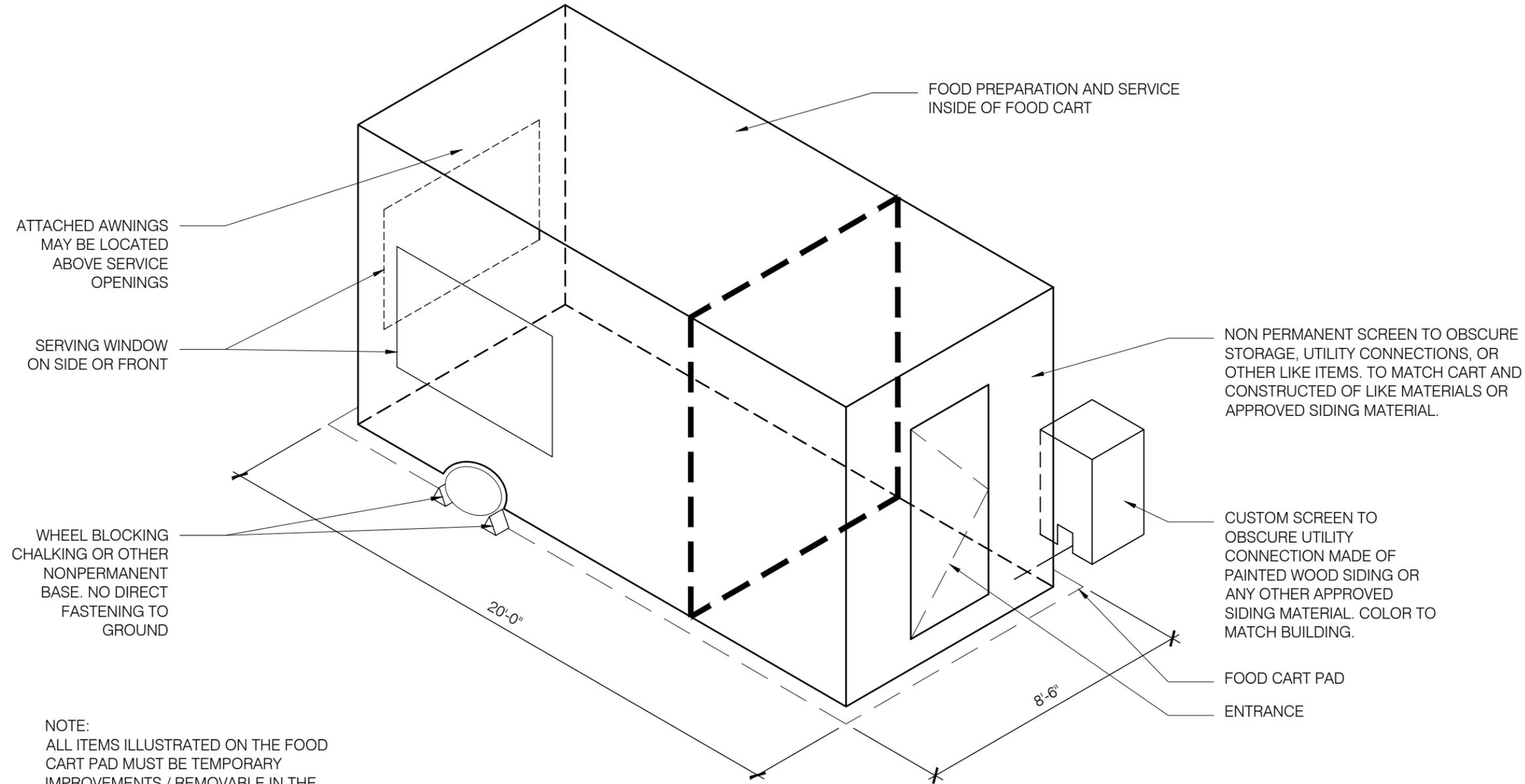


SK-01.6

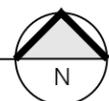
### COVERED AREA - NORTH ELEVATION

SCALE: 1/8" = 1'-0"

**SK-01.7**



NOTE:  
 ALL ITEMS ILLUSTRATED ON THE FOOD  
 CART PAD MUST BE TEMPORARY  
 IMPROVEMENTS / REMOVABLE IN THE  
 CASE OF A FLOOD.



**CHAPTER 17.62 - SITE PLAN AND DESIGN REVIEW**

17.62.015 - Modifications that will better meet design review requirements.

The review body shall consider modification of certain site-related development standards of this Chapter specified below. These modifications may be approved as part of a Type II design review process.

A. Applicability.

1. This process shall apply to modifications to:
  - a. Landscaping in OCMC 17.62.050.A;
  - b. Vehicular Connections to Adjoining Properties in OCMC 17.62.050.B.2;
  - c. On-site pedestrian circulation in OCMC 17.62.050.C;
  - d. Utility Undergrounding Requirements in OCMC 16.12.095.G;
  - e. Building location in OCMC 17.62.055.D;
  - f. Building Details in OCMC 17.62.050.B.9.055.I;
  - g. Windows in OCMC 17.62.050.B.10.055.J;
  - h. Parking Lot Landscaping in OCMC 17.52.060.

**Applicant’s Response: Chapter 17.62 is applicable to this land use application.**

B. The review body may approve requested modifications if it finds that the applicant has shown that the following approval criteria are met:

1. The modification will result in a development that better meets the applicable design guidelines; and

**Applicant’s Response: The existing development was constructed before this zoning code was enacted. It does not conform in many ways to the existing zoning regulations. This proposed alteration brings the development closer inline, or “better meets the applicable design guidelines.”**

2. The modification meets the intent of the standard. On balance, the proposal will be consistent with the purpose of the standard for which a modification is requested.

**Applicant’s Response: This facility is altered in a very minor way and fully complies with the intent of this section. Most of this alteration is temporary in nature; as it is primarily related to food carts which can be moved or relocated.**

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and non-residential uses in all zones. Site Plan and Design Review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Site plan and design review is required for a change in use between the uses in Table 17.62.030:

Table 17.62.030

Existing Use	Proposed Use
Residential	Nonresidential use, including but not limited to: commercial, office, industrial, retail, or institutional
Single-family or duplex	3 or more dwellings

Site plan and design review shall not alter the type and category of uses permitted in the underlying zoning districts.

*The general standards of Section 17.62.050 do not apply to 3-4 plex, duplex, single-family attached dwellings, single-family detached residential unit, internal conversions, live/work dwelling and accessory dwelling unit Type I applications.*

**Applicant's Response: Site plan and design review shall be required for the modifications requested by the applicant.**

*17.62.035 - Minor site plan and design review.*

*This section provides for a Minor Site Plan and Design Review process. Minor Site Plan review is a Type I or Type II decision, as described in OCMC 17.62.035.A., subject to administrative proceedings described in OCMC 17.50 and may be utilized as the appropriate review process only when authorized by the Community Development Director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.*

*A. Type I Minor Site Plan and Design Review.*

- 1. Applicability. Type I applications involve no discretion and are typically processed concurrently with a building permit application. The Type I process is not applicable for:
  - a. Any activity which is included with or initiates actions that require Type II-IV review.*
  - b. Any increase in square footage of a conditional or nonconforming use (excluding nonconforming structures).*
  - c. Any proposal in which nonconforming upgrades are required under OCMC 17.58.*
  - d. Any proposal in which modifications are proposed under OCMC 17.62.015.**

**Applicant's Response: The minor site plan and design review has been authorized by the Community Development Director because the proposal is a minor change to existing use and buildings. This proposal qualifies as a Type II review.**

*B. Type II Minor Site Plan and Design Review.*

- 1. Type II Minor Site Plan and Design Review applies to the following uses and activities unless those uses and activities qualify for Type I review per OCMC 17.62.035.A.:
  - a. Modification of an office, commercial, industrial, institutional, public or multi-family structure that does not increase the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).*
  - b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.*
  - c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.*
  - d. Mobile food units in OCMC 17.54.115.*
  - e. Other land uses and activities may be added if the Community Development Director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.**

**Applicant's Response: The proposal is relevant to this section as it relates to the proposed exterior covered area. This would be considered a commercial modification that does not increase the interior usable space. The parking will maintain its existing location and parking count will be reduced to come closer into conformance with current code. The proposed covered exterior seating is very near 1,000 SF and less than 35% of the building area. The proposed use is for mobile food units as described in OCMC 17.54.115. The other uses on site remain as approved under previous land use actions. The proposed development meets the approval criteria as a Type II Minor Site Plan and Design Review. If it is untenable by any member of staff or the public to approve the exterior covering as designed, a**

design with a similar plan and aesthetic at no more than 1,000 SF would be an amiable condition of approval.

17.62.050 - General Standards

All development shall comply with the following standards:

A. Landscaping.

1. Existing native vegetation is encouraged to be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.

**Applicant's Response: Currently, the site is nearly 100% impervious and has no landscaping. N/A**

2. The amount of landscaping required is found in the standards for each underlying zone. Where the underlying zone does not contain a minimum landscaping standard, the minimum site landscaping shall be 15% of the total site area. Except as allowed elsewhere in Title 16 or 17 of this Code, all areas to be credited towards landscaping shall be installed with growing plant materials.

**Applicant's Response: The landscaping plan brings the site closer into conformance. The applicant is not required to meet the current minimum landscape requirements. N/A**

3. Pursuant to OCMC 17.49, landscaping requirements within the Natural Resource Overlay District, other than landscaping required for parking lots, may be met by preserving, restoring and permanently protecting native vegetation and habitat on development sites.

**Applicant's Response: This site is not within the Natural Resource Overlay District, and there is no native vegetation or habitat on site. N/A**

4. A landscaping plan shall be prepared by a registered landscape architect for new or revised landscaped areas and parking lots. Landscape architect approval is not required for tree removal and/or installation if the species are chosen from an approved street tree list. A certified landscape designer, arborist, or nurseryman shall be acceptable in lieu of a landscape architect for projects with less than five hundred square feet of landscaping. All landscape plans shall include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.) that within three years will cover one hundred percent of the landscape area. Plant species listed on the Oregon City Nuisance Plant list are prohibited and native species are encouraged. No mulch, bark chips, or similar materials shall be allowed at the time of landscape installation except under the canopy of shrubs and within two feet of the base of trees.

**Applicant's Response: The landscape plan provided was developed by Anderson Associates Landscape Architect. The proposed development complies with the development standards.**

5. Landscaping shall be visible from public thoroughfares to the extent practicable.

**Applicant's Response: The landscaping is generally located along 14<sup>th</sup> Street fronting the property at the most prominent location. The proposed development complies with the development standard.**

6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC 10.32, Traffic Sight Obstructions.

**Applicant's Response: The proposed landscaping is situated so that it does not obstruct lines of sight. The proposed development complies with the development standard.**

B. Vehicular Access and Connectivity.

1. *Parking areas shall be located behind the building façade that is closest to the street, below buildings, or on one or both sides of buildings.*

**Applicant's Response:** This is a corner lot. Parking in violation of this subsection has been removed for the addition of the covered exterior seating. The proposed exterior covering brings the building closer to the street intersection. Vehicular activity occurs behind and beside the building when viewed from the primary street frontages. The proposed development complies with the development standard.

2. *Existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements which provide connection from the right-of-way to the adjoining property shall be provided.*

**Applicant's Response:** No connections to adjacent sites exist and no proposed connections to adjacent sites are proposed. NA

3. *Parcels larger than three acres shall provide streets as required in OCMC 16.12.*

**Applicant's Response:** This site is less than three acres. N/A

4. *Parking garage entries shall not be more than half of the streetscape.*

**Applicant's Response:** No parking garage entries occur in this building. The existing conditions comply with this section.

- C. *A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:*

1. *Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct and not cross a drive aisle. Exceptions may be allowed by the director where steep slopes, a physically constrained site, or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.*

**Applicant's Response:** This application has provided clear and concise pedestrian connections between the existing building entrances and the right of way (sidewalk). These connections to the right of way occur on both the north and east building faces. The proposed development complies with the development standard.

2. *The pedestrian circulation system shall connect all main entrances, parking areas, bicycle parking, recreational areas, common outdoor areas, and any pedestrian amenities on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard.*

**Applicant's Response:** This building fronts 14<sup>th</sup> Street on the north side of the building. A pedestrian entrance is located on the 14<sup>th</sup> Street frontage to both the building and the site. Bicycle parking, recreational areas, common outdoor areas, and pedestrian amenities on the site are accessed from 14<sup>th</sup> Street. Parking areas may be accessed from either 14<sup>th</sup> Street or Center Street. The proposed development complies with the development standard.

3. *The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent sites, except within industrial zoning designations.*

**Applicant's Response:** This building fronts 14<sup>th</sup> Street on the north side of the building. A pedestrian entrance is located on the 14<sup>th</sup> Street frontage. The proposed development complies with the development standard.

4. *Elevated external stairways or walkways shall not extend beyond the building facade except for external stairways or walkways located in, or facing interior courtyard areas that are not visible from the street or a public access easement. This standard does not apply to sky-bridges or sky-ways.*

**Applicant's Response: The site is flat, and no portion of this sub-section is applicable. N/A**

5. *On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.*

**Applicant's Response: No change to the existing parking is proposed. N/A**

- D. *All development shall maintain continuous compliance with applicable federal, state, and City standards .*

**Applicant's Response: The building owner shall be responsible for ongoing compliance with applicable federal, state, and city standards.**

- E. *Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided pursuant to OCMC 16.12. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to City standards as set out in the City's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require over sizing of facilities where necessary to meet standards in the City's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the City for over sizing based on the City's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.*

**Applicant's Response: The site is currently served by gas, water, sewer, and electricity that have been deemed suitable for the existing use. These services have been evaluated for the proposed use and appear to be adequate. Public water and sanitary sewer facilities have been coordinated with the applicable Authorities Having Jurisdiction for all uses on site. Water and sewer are available at the street and have the required capacity for this development. The proposed development complies with the development standard.**

- F. *If a transit agency, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, accessible bus landing pad, lighting, or transit stop connection be constructed, or that an easement or dedication be provided for one of these uses, consistent with an agency adopted or approved plan at the time of development, the review authority shall require such improvement, using designs supportive of transit use. Improvements at a major transit stop may include intersection or mid-block traffic management improvements to allow for crossings at major transit stops, as identified in the City's Transportation System Plan.*

**Applicant's Response: This development is not an industrial, institutional, retail or office development. N/A**

G. *Screening of Mechanical Equipment: Commercial, mixed-use, institutional, and multi-family buildings shall include the following measures to screen or block views of mechanical equipment from adjacent streets according to the following requirements.*

1. *Rooftop mechanical equipment, including HVAC equipment and utility equipment that serves the structure, shall be screened from view from the adjacent street on all new buildings or building additions. Screening shall be accomplished through the use of parapet walls or a sight-obscuring enclosure around the equipment constructed of one of the primary materials used on the primary facades of the structure, and that is an integral part of the building's architectural design. The parapet or screen shall completely surround the rooftop mechanical equipment to an elevation equal to or greater than the highest portion of the rooftop mechanical equipment being screened from adjacent streets, as viewed from the sidewalk or future sidewalk location on the adjacent street at pedestrian level. In the event such parapet wall does not fully screen all rooftop equipment, then the rooftop equipment shall be enclosed by a screen constructed of one of the primary materials used on the primary facade of the building so as to achieve complete screening. Screening requirements do not apply to new or replacement equipment on existing buildings. New or replacement rooftop mechanical equipment on existing buildings shall be painted or powder-coated.*

**Applicant's Response: The building addition shall have no rooftop or ground-mounted HVAC equipment. N/A**

2. *Wall-mounted mechanical HVAC and air conditioning equipment, and groups of multiple utility meters shall not be placed on the front facade of a building or on a facade that faces a right-of-way. Wall-mounted mechanical equipment, including air conditioning and groups of multiple utility meters, that extend six inches or more from the outer building wall shall be screened from view from adjacent streets; from residential, public, and institutional properties; and from public areas of the site or adjacent sites through the use of (a) sight-obscuring enclosures constructed of one of the primary materials used on the primary facade of the structure, (b) sight-obscuring fences, or (c) trees or shrubs that block at least eighty percent of the equipment from view or (d) painting the units to match the building. Wall-mounted mechanical equipment that extends six inches or less from the outer building wall shall be designed to blend in with the color and architectural design of the subject building. Vents which extend six inches or less from the outer building wall shall exempt from this standard if painted.*

**Applicant's Response: No wall-mounted mechanical HVAC or air conditioning equipment is proposed in this application. No electrical meter is applicable to this application. N/A**

3. *Ground-mounted above-grade mechanical equipment shall be screened by ornamental fences, screening enclosures, trees, or shrubs that block at least eighty percent of the view from the public right of way.*

**Applicant's Response: The building addition shall have no roof top or ground mounted HVAC equipment. N/A**

4. *This section shall not apply to the installation of solar energy panels, photovoltaic equipment, wind power generating equipment, dishes/antennas, pipes, vents, and chimneys.*

**Applicant's Response: The building addition shall have none of the items listed in this subsection. The proposed development complies with the development standard.**

H. *Building Materials.*

1. *Prohibited Materials. The following materials shall be prohibited in visible locations from the right-of-way or a public access easement unless an exception is granted by the Community Development Director based on the integration of the material into the overall design of the structure.*
  - i. *Vinyl or plywood siding (including T-111 or similar plywood).*
  - ii. *Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.*
  - iii. *Corrugated fiberglass.*
  - iv. *Chain link fencing (except for temporary purposes such as a construction site, gates for a refuse enclosure, stormwater facilities, when excepted by 17.62.050.H.2.vii, or when located on properties within the General Industrial District).*
  - v. *Crushed colored rock/crushed tumbled glass.*
  - vi. *Non-corrugated and highly reflective sheet metal.*
  - vii. *Tarps, except for the protection of outside storage.*

**Applicant's Response: The proposed addition contains no walls as it is only a roof covering. Prohibited materials are not proposed. The proposed development complies with the development standard.**

2. *Special Material Standards. The following materials are allowed if they comply with the requirements found below:*
  - i. *Concrete Block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.*
  - ii. *Metal Siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.*
  - iii. *Exterior insulation and finish system (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.*
  - iv. *Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.*
  - v. *Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.*
  - vi. *Vinyl or powder coated chain link fencing is permitted for City-owned stormwater management facilities, reservoirs, and other public works facilities such as pump stations, maintenance yards, and storage yards not located within the General Industrial District.*
  - vii. *Chain link fencing is permitted in the following circumstances:*
    1. *Within City-owned parks and recreational facilities*
    2. *On any property when used for a baseball or softball backstop or dugout, track and field facility, or sports court.*

**Applicant's Response: The proposed addition contains no walls as it is only a roof covering. Special materials are not proposed. N/A**

*17.62.055 –Institutional, office, multi-family, retail, and commercial building standards.*

B. *Applicability. This section applies to institutional, office, multi-family, retail and commercial buildings except accessory structures less than one thousand square feet and temporary structures. .*

**Applicant's Response: The applicant is proposing a commercial use with a canopy structure of slightly more than 1,000SF. It is the applicant's opinion this design is "On balance, ... consistent with the purpose of the standard for which a modification is requested". If it is determined by the Authority having jurisdiction that this modification is at conflict with intent of the municipal code the canopy can be reduced to less than 1,000SF; which would make section 17.62.055 not applicable.**

C. *Conflicts. With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.*

**Applicant's Response: Conflicts between these sections are not relevant to this proposal. N/A**

D. *Siting of Structures. On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property. Multi-family developments shall be placed no farther than twenty feet from the front property line. This section does not apply to properties with less than forty feet of frontage.*

**Applicant's Response: The site contains more than 100 feet of street frontage. Less than fifty percent of the site frontage width is occupied by the existing building. The existing building and the addition are located within five feet of the 14<sup>th</sup> Street property line. The proposed addition brings the site condition closer to compliance with applicable development standards than existing conditions. The proposed development complies with the development standard.**

*A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:*

1. *Tables, benches or other approved seating area.*
2. *Cobbled, patterned or paved stone or enhanced concrete.*
3. *Pedestrian scale lighting.*
4. *Sculpture/public art.*
5. *Fountains/Water feature.*
6. *At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.*
7. *Outdoor café.*
8. *Enhanced landscaping or additional landscaping.*
9. *Other elements, as approved by the Community Development Director, that can meet the intent of this section.*

**Applicant's Response: A larger front yard setback is not proposed. N/A**

E. *Building Orientation. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary entrance facing the street. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.*

**Applicant's Response: The proposed addition is not related to the building entrance. The existing building entrance is off of 14<sup>th</sup> Street and shall remain in use and unchanged. The proposed development complies with the development standard.**

F. *Entryways. Entrances shall include a doorway and a minimum of four of the following elements:*

- 1. *Display windows;*

*Recesses or projections; Peaked roof or raised parapet over the door; Canopy of at least five feet in depth; Porch; Distinct materials; Architectural details such as tile work and moldings; Pedestrian amenities such as benches, planters or planter boxes; Landscape treatments integrating arbors, low walls, trellis work; or Similar elements. Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk.*

**Applicant’s Response: The proposed addition is not related to the building entrance. The existing building entrance is off of 14<sup>th</sup> Street and shall remain in use and unchanged. Any of the amenities listed above including benches, planters, low walls, and similar elements have been integrated into the site design. The proposed development complies with the development standard.**

G. *Corner Lots.*

*For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:*

- 1. *Incorporate prominent architectural elements, such as increased building height or massing, cupola, turrets, or pitched roof, at the corner of the building or within twenty-five feet of the corner of the building.*
- 2. *Chamfer the corner of the building (i.e. cut the corner at a forty-five degree angle and a minimum of ten feet from the corner) and incorporate extended weather protection (arcade or awning), special paving materials, street furnishings, or plantings in the chamfered area.*
- 3. *Standards 1 and 2 above do not apply to vertically attached 3-4 plexes, multi-family buildings or multi-family portions of residential mixed-use buildings.*

**Applicant’s Response: The proposed addition is not related to the building entrance. The existing building entrance is off of 14<sup>th</sup> Street and shall remain in use and unchanged. The proposed development complies with the development standard.**

H. *Variation in Massing. For street facing facades greater than 120 feet in length a modulation is required which extends through all floors. Decks and roof overhangs may encroach up to three feet per side into the modulation. The modulation shall meet one of the following dimensional requirements:*

- 1. *A minimum depth of two percent of the length of the façade and a minimum width of thirty percent of the length of the façade; or*
- 2. *A minimum depth of four percent of the length of the façade and a minimum width of twenty percent of the length of the façade.*

**Applicant’s Response: No façade on this building exceeds 120 feet. The proposed development complies with the development standard.**

I. *Building Design Elements.*

- 1. *All front and side facades shall provide a design element or architectural feature that add interest and detail such that there are no blank walls of thirty feet in length or more, measured horizontally. Features that can meet this requirement include:*
  - a. *Change in building material or texture;*
  - b. *Window or door;*
  - c. *Balcony; or*

d. *Pillar or post*

**Applicant’s Response: The addition has no walls. It is an open air covering with posts at regular intervals. The proposed development complies with the development standard.**

2. *Street facing facades shall include additional design features. For every thirty feet of façade length, three of the following elements are required:*
  - a. *Decorative materials on more than ten percent of the total wall area (e.g., brick or stonework, shingles, wainscoting, ornamentation, and similar features);*
  - b. *Decorative cornice and/or roof line (e.g., for flat roofs);*
  - c. *Roof gable;*
  - d. *Recessed entry;*
  - e. *Covered canopy entry;*
  - f. *Cupola or tower;*
  - g. *Dormer;*
  - h. *Balcony;*
  - i. *Pillars or posts;*
  - j. *Repeating pattern of building materials;*
  - k. *A change in plane of at least two feet in width and six inches in depth;*
  - l. *Bay or oriel window; or*
  - m. *An alternative feature providing visual relief and detail as approved by the Community Development Director*

**Applicant’s Response: This addition includes repetitive posts for a covered canopy, increasing the visual appeal from Washington Street. The proposed development complies with the development standard.**

3. *Building Detail Variation. Architectural features shall be varied on different buildings within the same development. At least two of the required features on each street-facing elevation shall be distinct from the street-facing elevations of other buildings within the same development.*

**Applicant’s Response: The existing building is vernacular and eclectic. No two facades are the same. The proposed development complies with the development standard.**

J. *Windows.*

1. *The minimum windows requirements are set forth in Table 17.62.055.J. Windows are measured in lineal fashion between 3.5 feet and six feet from the ground. For example, a one hundred foot long building elevation would be required to have at least sixty feet (sixty percent of one hundred feet) of windows in length between the height of 3.5 feet and six feet from the ground.*

Use	Ground Floor: Front and Street Facing Facades	Upper floor(s): Front and Street Facing Facades	Ground Floor: Side(s) Facades	Upper Floor(s): Side(s) Facades
Non-Multi-Family (or Portions of Buildings Thereof)	60%	10%	30%	10%
Multi-Family (or Portions of Buildings Thereof)	15%	15%	10%	10%

**Applicant's Response: The addition is a single-story exterior roof covering without windows. The façade is more than 60% transparent. This sub-section is not applicable to this type of unwallied development except that it ensures the development does not reduce the existing glazing/transparency. The proposed development complies with the development standard.**

*2. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.*

**Applicant's Response: No glazing is proposed as a part of this application. The proposed development complies with the development standard.**

*3. Side walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.*

**Applicant's Response: No false windows or doors are proposed. The proposed development complies with the development standard.**

*4. Multi-family windows shall incorporate window trim at least four inches in width when surrounded by horizontal or vertical lap siding.*

**Applicant's Response: This proposal is not multi-family. N/A**

*K. Roof Treatments. The maximum length of any continuous roofline on a street-facing façade shall be seventy-five feet without a cross gable or change in height of at least two feet.*

**Applicant's Response: The proposed roofline is less than seventy-five feet. The proposed development complies with the development standard.**

*L. Drive-through facilities shall:*

- 1. Be located at the side or rear of the building.*
- 2. Be designed to maximize queue storage on site.*

**Applicant's Response: This is not proposed to be a drive-through facility. N/A**

*M. Special development standards along transit streets.*

- 1. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.*
- 2. Applicability. Except as otherwise provide in this section, the requirements of this section shall apply to the construction of new retail, office and institutional buildings which front on a transit street.*
- 3. Development Standards.*
  - a. All buildings shall have at least one main building entrance oriented towards the transit street. A main building entrance is oriented toward a transit street if it is directly located on the transit street, or if it is linked to the transit street by an on-site pedestrian walkway that does not cross off-street parking or maneuvering areas.*

- i. *If the site has frontage on more than one transit street, or on a transit street and a street intersecting a transit street, the building shall provide one main building entrance oriented to the transit street or to the corner where the two streets intersect.*
    - ii. *For building facades over three hundred feet in length on a transit street, two or more main building entrances shall be provided as appropriate and oriented towards the transit street.*
  - b. *In the event a requirement of this section conflicts with other requirements in Title 17, the requirements of this section shall control.*
4. *Exemptions. The following permitted uses are exempted from meeting the requirements of subsection 3. of this section:*
- a. *Heavy equipment sales;*
  - b. *Motor vehicle service stations, including convenience stores associated therewith; or*
  - c. *Solid waste transfer stations.*

**Applicant’s Response: The requirements of this section apply to the construction of new retail, office, and institutional buildings which front on a transit street. The application does not propose a new building and does not include any of the uses described in this applicability section. N/A**

*17.62.056 - Additional standards for large retail establishments.*

*Retail building(s) occupying more than ten thousand gross square feet of floor area shall contribute to the establishment or enhancement of community and public spaces by providing at least two of the following:*

- A. *Patio/seating area;*
- B. *Pedestrian plaza with benches;*
- C. *Transportation center;*
- D. *Window shopping walkway;*
- E. *Outdoor playground area;*
- F. *Kiosk area, water feature;*
- G. *Clock tower; or*
- H. *Other such deliberately shaped area and/or a focal feature or amenity that, in the judgment of the appropriate decision maker, adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principle materials of the building and landscape.*

**Applicant’s Response: This facility does not fit the definition of a large retail establishment. This subsection is not an applicable approval criterion. N/A**

*17.62.057 - Multifamily Usable Open Space Requirements*

- B. *Open Space Required. All new multi-family developments in all zones shall provide usable open space.*
  - 1. *In residential zones, each development shall provide a minimum of one hundred square feet of open space per dwelling unit.*

**Applicant’s Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. N/A**

- 2. *In non-residential, commercial and mixed-use zones, each development shall provide a minimum of fifty square feet of open space per dwelling unit.*

**Applicant’s Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. NA**

3. *Required setback areas shall not count toward the open space requirement unless setback areas are incorporated into spaces that meet all other requirements of this section.*

**Applicant's Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. NA**

4. *Required open space areas may be counted towards both the open space requirements and the minimum landscaping requirements in OCMC 17.62.050.A, if the spaces meet the requirements of both sections.*

**Applicant's Response: This facility is not a multi-family/ residential development. Common open space is not an applicable approval criterion. N/A**

*C. Usable Open Space Types.*

1. *Common open spaces shall be accessible to all residents of the development and include landscaped courtyards, decks, gardens with pathways, children's play areas, common rooftop decks and terraces, and other multipurpose recreational or green spaces.*

**Applicant's Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. N/A**

*Common open spaces may be used to meet one hundred percent of the usable open space requirement. Design standards:*

- a. *Minimum dimensions for common open space shall be twelve feet with a minimum size of two hundred square feet for developments with twenty units or less, and twenty feet with a minimum size of four hundred square feet for developments with twenty-one or more units.*

**Applicant's Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. N/A**

- b. *Common open space shall feature a mix of natural and recreational amenities to make the area more functional and enjoyable for a range of users. Sites with twenty units or less shall provide a minimum of two of the following amenities, and sites with twenty-one units or more shall provide a minimum of three of the following amenities and an additional amenity for every twenty units over forty, rounded up.*

1. *Landscaping areas.*
2. *Community gardening areas.*
3. *Large trees expected to reach over eighteen inches dbh at maturity.*
4. *Seating.*
5. *Pedestrian-scaled lighting.*
6. *Hard-surfaced pedestrian paths in addition to those required for internal pedestrian circulation.*
7. *Paved courtyard or plaza.*
8. *Gazebos or other decorative shelters.*
9. *Play structures for children.*
10. *Sports courts.*
11. *An alternative amenity as approved by the Community Development Director.*

**Applicant's Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. N/A**

- c. *Common open space shall be separated from ground level windows, streets, service areas and parking lots with landscaping, low-level fencing, and/or other treatments as approved by the City that enhance safety and privacy for both the common open space and dwelling units.*

**Applicant's Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. N/A**

- d. *Common open space shall be accessible from the dwelling units and, as appropriate, from public streets and sidewalks. The space shall be oriented to encourage activity from local residents.*

**Applicant's Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. N/A**

- 2. *Private open space that is not open to all residents includes balconies, patios, and other outdoor multi-purpose recreational or green spaces. It may be used to meet up to fifty percent of the usable open space requirement.*
  - a. *Minimum dimensions for private open space shall be five feet with a minimum size of forty square feet.*

**Applicant's Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. N/A**

- 3. *Indoor recreational space may be used to meet up to twenty-five percent of the usable open space requirement provided the space is:*
  - a. *Accessible to all dwelling units.*
  - b. *Designed for and includes equipment for a recreational use (e.g., exercise, group functions, etc.).*

**Applicant's Response: This facility is not a multi-family or residential development. Common open space is not an applicable approval criterion. N/A**

*17.62.059 - Cluster housing.*

*All cluster housing shall comply with the standards in Chapter 17.20.020 in addition to the standards in this chapter.*

**Applicant's Response: Applicant's Response: This facility is not a multi-family or residential development. Cluster housing is not an applicable approval criterion. N/A**

*17.62.085 - Refuse and recycling standards for commercial, industrial, office, institutional, and multi-family developments.*

*The purpose and intent of these provisions is to provide an efficient, safe and convenient refuse and recycling enclosure for the public as well as the local collection firm. All new development, change in property use, expansions or exterior alterations to uses, other than single-family or duplex residences, single-family attached dwellings, 3-4 plexes, internal conversions, or accessory dwelling units (ADUs), shall include a refuse and recycling enclosure. The area(s) shall be:*

- A. *Fully enclosed and visually screened;*
- B. *Located in a manner easily and safely accessible by collection vehicles;*
- C. *Located in a manner so as not to hinder travel lanes, walkways, streets or adjacent properties;*
- D. *On a level, hard surface designed to discharge surface water runoff and avoid ponding;*
- E. *Maintained by the property owner;*
- F. *Used only for purposes of storing solid waste and recyclable materials;*

G. *Designed in accordance with applicable sections of the Oregon City Municipal Code (including OCMC 8.20—Solid Waste Collection and Disposal) and city adopted policies.*

*Enclosures are encouraged to be sized appropriately to meet the needs of current and future tenants and designed with sturdy materials which are compatible to the primary structure(s).*

**Applicant’s Response: The refuse and recycling enclosure is adequately sized and accessed. The refuse and recycling enclosure has not been altered in this application. The enclosure meets criteria A-G above.**

**CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTION**

*17.54.115 - Mobile Food Units*

A. *Applicability. The following provisions apply to mobile food units not located within a building. The provisions do not apply to indoor mobile food units or mobile food units allowed pursuant to a special event permit issued by the City.*

**Applicant’s Response: Several exterior mobile food units are proposed in this facility. Section 17.54.115 is applicable to this application.**

B. *General Requirements.*

1. *Mobile food units shall primarily sell food items;*

**Applicant’s Response: The proposed carts are mobile food units intended to sell food.**

2. *Mobile food units shall not sell cannabis, in any form;*

**Applicant’s Response: The applicant has not proposed or implied cannabis sales in this application. No OLCC cannabis license will be pursued in relation to this application.**

3. *Mobile food units shall have a valid Oregon City business license; and*

**Applicant’s Response: The business owner subleasing the food cart stalls shall request proof of a valid Oregon City business license of each mobile food unit**

4. *Mobile food units shall not be located within the right-of-way, except as approved by the City Engineer.*

**Applicant’s Response: Food cart pods in this application are entirely within private property.**

5. *Mobile food units shall maintain continuous compliance with applicable federal, state, and city standards;*

**Applicant’s Response: The business owner subleasing the food cart stalls shall notify each mobile food unit that they must maintain continuous compliance with applicable federal standards.**

6. *Discharge or leakage draining into the storm water system is prohibited. Wastewater shall not be dumped onto the ground, onto the streets, or into a storm a drain. All liquid waste from the waste tank or from cleaning activities such as cleaning the mobile food cart shall be captured and properly disposed of in the sanitary sewer.*

**Applicant’s Response: A sanitary sewer system design is described in the attached application drawings. All food carts (mobile food units) shall be connected directly to a sanitary sewer system draining into a common septic tank to be pumped at regular intervals. The owner shall also install a drain line from this septic tank for future connection to the sanitary systems mainline.**

7. *All permanent utility lines shall be placed underground. Temporary utilities, lines and tanks shall be placed underground or otherwise screened, covered, or hidden from view from the right of way as to minimize visual impacts and prevent tripping hazards or other unsafe conditions.*

**Applicant's Response: A detail describing the trenching method and below-grade utility installation is included in this application.**

8. *Power connections may not be connected by overhead wires to the individual mobile food units.*

**Applicant's Response: Each unit shall be provided with a utility connection near the base of the unit. This is further described in the food pod diagram.**

9. *Comply with the Stormwater and Grading Design Standards for additional impervious surfaces*

**Applicant's Response: No additional impervious area is proposed in this application. N/A**

10. *Mobile food units, equipment, customer service areas, or any associated item may not be located within the right of way.*

**Applicant's Response: Food cart pods and all associated items with this service are entirely within private property.**

11. *Sites with more than ten mobile food units at any time shall have a designated loading area.*

**Applicant's Response: A loading zone exists along the south property line west of the trash enclosure.**

12. *Parking lots, refuse and recycling areas, outdoor lighting, fencing, and structures (other than the mobile food units) are subject to compliance with Site Plan and Design Review standards in OCMC 17.62. Mobile food units are exempt from OCMC 17.52 unless otherwise identified below.*

**Applicant's Response: The proposed outdoor lighting, fencing, and structures are designed in compliance with the Site Plan and Design Review standards. Refer to the attached site plan(s), sketches, and previous section for applicable supporting information.**

13. *Mobile food unit owners are responsible for maintaining the mobile unit and the adjacent site area in a neat and clean condition. This includes but is not limited to regular maintenance and cleaning of the exterior of the mobile food unit to avoid rust and peeling paint, repair of broken or sagging awnings, canopies, platforms, counters, benches, tables, umbrellas, and other structures used by customers adjacent to the mobile food unit.*

**Applicant's Response: The business owner subleasing the food cart stalls shall notify each mobile food unit owner that they are responsible for maintaining the mobile unit and the adjacent site area in a neat and clean condition.**

### **C. Design Standards.**

1. *Transitory Mobile Food Units. Mobile food units that remain on a property for five hours or less in a twenty-four hour period shall comply with the following:*
  - i. *Standards related to the site.*
    - a. *Be limited to three food units on a property at any one time;*
    - b. *Maintain the minimum number of parking stalls and minimum drive aisle widths and parking lot requirements; and*
    - c. *Not result in the reduction of landscaping less than the minimum site.*
  - ii. *Standards related to the mobile food unit.*
    - a. *Comply with nuisances regulations in OCMC 8.08.040;*

- b. *Comply with OCMC 17.62.050.I for all temporary structures associated with the Mobile food cart units (except for the unit itself);*
- c. *Connect to individual wastewater holding tanks at all times; and*
- d. *Connect to a potable water tank at all times.*

2. *Non-Transitory Mobile Food Units.*

*All other mobile food units that remain on a property for more than five hours at a time shall comply with the following:*

- i. *Standards related to the site*
  - a. *Maintain the minimum number of parking stalls and minimum drive aisle widths and parking lot requirements;*

**Applicant's Response: This application does not propose any transitory mobile food. This is not applicable approval criteria. N/A**

- b. *Not result in the reduction of landscaping less than the minimum site;*

**Applicant's Response: This application does not propose any transitory mobile food. This is not applicable approval criteria. N/A**

- ii. *Standards related to the unit.*

- a. *Fully screen from view any mechanical or power generating equipment that is separated from and external to the mobile food unit with vegetation or screening at a height equal to or greater than the height of the generating unit;*

**Applicant's Response: This application does not propose any transitory mobile food. This is not applicable approval criteria. N/A**

- b. *Connect to a permanent water source, unless exempted by the City Engineer if utilities are not available;*

**Applicant's Response: This application does not propose any transitory mobile food. This is not applicable approval criteria. N/A**

- c. *Connect to public sewer. This may be achieved through a communal system;*

**Applicant's Response: This application does not propose any transitory mobile food. This is not applicable approval criteria. N/A**

- d. *Connect to a permanent power source; and*

**Applicant's Response: This application does not propose any transitory mobile food. This is not applicable approval criteria. N/A**

- e. *Comply with the minimum setbacks and maximum height of the zoning designation.*

**Applicant's Response: This application does not propose any transitory mobile food. This is not applicable approval criteria. N/A**

**D. Process**

- 1. *A Type I Minor Site Plan and Design Review shall be submitted for each property in compliance with the transitory standards in OCMC 17.54.115.C.1 with a wastewater / water operations and maintenance plan.*

2. A Type II Minor Site Plan and Design Review shall be submitted for each property in compliance with the non-transitory standards in OCMC 17.54.115.C with a wastewater / water operations and maintenance plan.

3. Mobile food cart units shall each submit a business license and mobile food cart unit form.

**Applicant's Response: This application does not propose any transitory mobile food. This is not applicable approval criteria. N/A**

#### **CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT**

##### *17.42.020 - Applicability.*

A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the city. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

B. The flood management areas which have been mapped include the following locations:

1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to [Section 17.42.040](#) and the area of inundation for the February 1996 flood; and

2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

**Applicant's Response: The subject property is located at 508 14<sup>th</sup> Street Oregon City, Oregon, 97045 (APN: 2-2E-30DD-03100) and is located within the 1996/FEMA 100 Yr Floodplain. The subject property is not located within the FEMA Floodway. Chapter 17.42 Flood Management Overlay District is applicable to this application.**

##### *17.42.040 - Compliance.*

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these floodplain regulations and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to the enforcement procedures of this code per OCMC [1.20](#) Civil Infractions and [1.24](#) Code Enforcement. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy.

**Applicant's Response: The applicant understands no structure shall be constructed, located, extended, converted, or altered without full compliance with this code section. The applicant shall comply with all applicable laws and regulations regarding this chapter.**

##### *17.42.060 - Warning and disclaimer of liability.*

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not

*imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flooding damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.*

**Applicant's Response: The applicant understands regulations may change or vary and shall hold the City harmless in regard to this application.**

*17.42.080 - Administration.*

*This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.*

*A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the city recorder:*

- 1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;*
- 2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;*

**Applicant's Response: The applicant has reviewed the applicable Water Quality and Flood Management Areas Map and FIM map for the area. The subject property is located within the 1996/FEMA 100 Year Floodplain.**

*B. Applicants are required to provide the city with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the city.*

*C. The city shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).*

**Applicant's Response: A delineation of the flood management area is provided herein as well as on the application, along with site plans for reference. Nearly the entirety of the site is covered in the 1996 and/or 100 Year Floodplain. While fully acknowledging some small portions of the site are not subject to flooding, for the purposes of this application the entire site shall be considered within the flood management area. All proposed alterations shall be treated as if they are within the flood management area.**

*D. Development Permit.*

*1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in [Chapter 17.04](#) (Definitions).*

*2. Application for a development permit shall be made on forms furnished by the community development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.*

*3. The following information is specifically required:*

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;*
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;*
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and*
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.*

**Applicant's Response:** Development permits are required within the Flood Management Overlay District. A floodplain application shall be submitted with the building permit application for applicable alterations. The finish floor elevation of the lowest floor is approximately 46' above sea level. No portion of the existing or proposed development is considered floodproof. Certification by a registered professional engineer or architect shall be provided certifying the permanent improvements shall meet the floodproofing criteria in Section 17.42.170E.5. The flood management plan shall dictate methods for safeguarding non-permanent/non-fixed items.

*17.42.120 - Alteration of watercourses.*

*A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.*

*B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.*

**Applicant's Response:** No changes to the water course are proposed in this application.

*17.42.140 - Appeals and variance procedure.*

*A. The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be varied. Variances are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land.*

*B. This section applies to requests to vary from the standards of this chapter only. Requests to vary from other standards of this title shall be subject to the requirements of [Chapter 17.60](#).*

**Applicant's Response:** N/A. No variance is requested in this application.

*1. Variance applications made pursuant to this section shall follow the variance procedures outlined in [Chapter 17.50](#).*

*2. In addition to the public notice requirements outlined in [Section 17.50.090](#), Metro shall be notified within fourteen days of the city receiving an application to vary the requirements of this section and within fourteen days of a decision on the variance.*

*3. The requirements of [Section 17.60.020](#) (Variances—Grounds) do not apply to requests to vary from the standards of [Chapter 17.42](#).*

*4. If an application to vary from the standards of [Chapter 17.42](#) is made in conjunction with an application to vary from other standards of this chapter, the variances may be processed as one application, provided the standards applicable to each variance requested must be met before the requested variance may be granted.*

**Applicant's Response:** N/A. No variance is requested in this application.

*C. Hardship Variance. Variances to avoid unreasonable hardship caused by the strict application of this chapter are permitted subject to the criteria set forth in this section. To vary from the requirements of this chapter, the applicant must demonstrate the following:*

*1. The variance is the minimum necessary to allow the proposed use or activity;*

**Applicant's Response:** N/A. No variance is requested in this application.

*2. The variance will not increase danger to life and property due to flooding or erosion;*

**Applicant's Response:** N/A. No variance is requested in this application.

3. *The impact of the increase in flood hazard which will result from the variance will not prevent the city from meeting the requirements of this chapter. In support of this criteria the applicant shall have a qualified professional engineer document the expected height, velocity and duration of floodwaters, and estimate the rate of increase in sediment transport of the floodwaters expected both downstream and upstream as a result of the variance;*

**Applicant's Response: N/A. No variance is requested in this application.**

4. *The variance will not increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers; and*

**Applicant's Response: N/A. No variance is requested in this application.**

5. *The proposed use complies with the standards of the base zone.*

**Applicant's Response: This Facility has been approved as a "restaurants, eating and drinking establishments without a drive-through" in a previous Type I application. The axe-throwing component is consistent with a designation of a "health and fitness club." The parking area shall be modified to accommodate "mobile food units outside of the downtown design district." In all cases this application is in compliance with the Base Zone permitted uses. No variance is requested in this application.**

D. *The planning commission shall hear and decide appeals and requests for variances when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of these regulations, or that enforcement of this district would result in exceptional hardship. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:*

1. *The danger that materials may be swept onto other lands to the injury of others;*
2. *The danger to life and property due to flooding or erosion damage;*
3. *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;*
4. *The importance of the services provided by the proposed facility to the community;*
5. *The necessity to the facility of a waterfront location, where applicable;*
6. *The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;*
7. *The compatibility of the proposed use with existing and anticipated development;*
8. *The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;*
9. *The safety of access to the property in times of flood for ordinary and emergency vehicles;*
10. *The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and*
11. *The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.*

E. *Upon consideration of the factors listed in subsection D of this section and the purposes of this district, the planning commission may attach such conditions to the granting of variances as it deems necessary to meet the purposes of this district.*

F. *The city recorder shall maintain the records of all appeal actions and the building official shall report any granted variances to the Federal Insurance Administration upon request.*

**Applicant's Response: N/A. No variance is requested in this application.**

17.42.150 - Conditions for variances.

The planning commission, pursuant to [Chapter 17.60](#), may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. If a variance is granted pursuant to [Section 17.42.140](#), the variance shall be subject to the conditions set out in this section. In addition to other standards listed in [Section 17.42.160](#), the following conditions must be met:

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register or identified as a locally designated historic structure and without regard to the procedures set forth in the remainder of this chapter.

**Applicant's Response: N/A. No variance is requested in this application.**

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**Applicant's Response: N/A. No variance is requested in this application. The property is not within a floodway.**

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

**Applicant's Response: N/A. No variance is requested in this application.**

D. Variances shall only be issued upon a showing of good and sufficient cause.

**Applicant's Response: N/A. No variance is requested in this application.**

E. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

**Applicant's Response: N/A. No variance is requested in this application.**

F. Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

**Applicant's Response: N/A. No variance is requested in this application.**

G. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria as set forth in this chapter.

**Applicant's Response: N/A. No variance is requested in this application.**

H. A variance from the elevation standard may only be issued for new construction, and substantial improvements to be erected on a lot of one-half acre or less in size, that are to contiguous and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

**Applicant's Response: N/A. No variance is requested in this application.**

I. Variances shall not result in increased flood heights, additional threats to public safety, extraordinary public expenses, cause nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.

**Applicant's Response: N/A. No variance is requested in this application.**

*J. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.*

**Applicant's Response: N/A. No variance is requested in this application.**

*17.42.160.A - Flood management area standards.*

*Uses Permitted Outright:*

- 1. Excavation and fill required to plant any new trees or vegetation.*
- 2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).*

**Applicant's Response: The balance of cut and fill shall be maintained with any vegetation proposed in this application. No restoration or enhancement of floodplains, riparian areas, wetland, upland, or streams is expected given the existing nature of the site and given the site is already 100% developed with parking or structures.**

*17.42.160.B Provisional Uses.*

*1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.*

**Applicant's Response: The existing structure has been approved as a "restaurants, eating and drinking establishment without a drive-through" in a previous Type I application. The axe-throwing component is consistent with a designation of a "health and fitness club." Please note that both the Oregon City Building and Engineering departments also found this axe-throwing use to fall within either a gymnasium or bowling alley designation when assessing fees and occupancy calculations in reference to existing codes. These uses shall remain.**

**This Type II application requests the inclusion of the parking area as a permitted use. The parking area east of the existing structure is to be modified to accommodate "mobile food units outside of the Downtown Design District." This site is indeed outside the Downtown Design District. "Mobile food units" is in compliance with the Base Zone permitted uses.**

*17.42.160.C Prohibited Uses.*

- 1. Any use prohibited in the base zone;*
- 2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.*

**Applicant's Response: All proposed uses are allowed in the Base Zone. Neither prohibited uses nor hazardous materials are proposed.**

*17.42.160.D.1 Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:*

*This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.*

**Applicant's Response: The subject property shall maintain a balanced cut and fill of all materials located within the floodplain during an event. Propane tanks shall be located on site. The total**

volume of the propane tanks shall be no greater than 1,200 gallons (161 cubic feet fill). Added volume shall consist of a new accessible ramp located on the east side of the building of approximately 148 cubic feet. Less than 90 cubic feet of other miscellaneous items such as post, trim handrails, posts and bike parking are included in the work. The total volume (fill) assessed for this minor modification is 399 cubic feet.

An area of soil located over existing asphalt in the south east corner of the site shall be removed (cut) to compensate for this fill. The volume of the soils to be removed is calculated at 307 cubic feet. The volume of the below-grade tank is no less than 1500 gallons (200 cubic feet cut). The total volume (cut) assessed for this minor modification is 507 cubic feet of removed.

The result is a net loss of 108 cubic feet of volume on site. This balanced cut and fill meets or exceeds the approval criteria.

*17.42.160.D.2 No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.*

**Applicant's Response:** The improvements are not proposed to be floodproofed. The facility is designed as a flow-through structure. No net fill is calculatable by the proposed structures. Some improvements do constitute fill within the floodplain; these improvements shall be offset by volume removed from the site.

*17.42.160.D.3 Any excavation below bankfull stage shall not count toward compensating for fill.*

**Applicant's Response:** Nearly the entire site is below the "bankfull stage." Soil or other materials shall not compensate for fill if located above the "bankfull stage."

*17.42.160.D.4 Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.*

**Applicant's Response:** The fill is expected to be removed from APN 2-2E-30DD-03100. If it is found to be impractical to remove fill from this site there are two adjacent sites under the same ownership and in the same Oregon City floodplain area. The properties are located at APN 2-2E-30DD-03300, 2-2E-30DD-03400. At this time cut and fill can be accomplished on site.

*17.42.160.D.5 For excavated areas identified by the city to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.*

**Applicant's Response:** This site is fully developed and is not identified by the city to remain dry in the summer. This section is not applicable.

*17.42.160.D.6 For excavated areas identified by the city to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.*

**Applicant's Response:** This site is fully developed and is not identified by the city to remain dry in the summer. This section is not applicable.

17.42.160.D.7 Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.

**Applicant's Response: The applicant shall post the required signage in the parking areas as required by this section.**

17.42.160.D.8 Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.

**Applicant's Response: The applicant will perform excavation for the placement of utilities. Excess soil shall be removed at the end of construction.**

17.42.160.D.9 New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

**Applicant's Response: N/A. Culverts, stream crossings, and transportation projects are not applicable to this project.**

17.42.160.D.10 Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

**Applicant's Response: No detention structures are proposed in this scope of work. This section is not applicable.**

17.42.160.E.1 Construction Standards.

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

**Applicant's Response: All new construction and substantial improvements that are to remain on site during a flooding event are designed to be anchored to the ground to prevent floatation and or collapse. Details and calculations shall be provided to the building department as necessary in the permitting process. Buoyancy calculations and details for the below-ground infrastructure are attached to this application.**

17.42.160.E.2 Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

*c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*

**Applicant's Response: New construction and utilities have been placed to prevent risk of damage from flooding. Materials are selected to maximize resistance to weathering and exposure to outdoor environments and flooding.**

*17.42.160.E.3 Utilities.*

*a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.*

*b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.*

*c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.*

**Applicant's Response: The water supply system shall be expanded to serve various food carts. This system shall meet all applicable building and plumbing codes. This piping is below-grade with valves at termination points to prevent floodwaters into the system. The sanitary system for the existing structure has been modified to include an oil water separator. The new food carts shall also connect to a sanitary system. All openings into these systems and tanks (such as the oil water separator) include tight-fitting lids and enclosures to deter infiltration of floodwaters into the systems. No onsite wastewater disposal systems occur.**

*17.42.160.E.4 Residential Construction*

*a. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design flood elevation.*

*b. Full enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.*

*i. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*

*ii. The bottom of all openings shall be no higher than one foot above grade.*

*iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

**Applicant's Response: N/A. This is a commercial project with no residential components.**

*17.42.160.E.5 Nonresidential Construction.*

*a. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:*

*i. Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;*

*ii. Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*

*iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of*

*this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;*

- iv. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and*
- v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).*
- vi. Manufactured Homes. The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas.*

*When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.*

**Applicant's Response: Neither new construction nor substantial improvement is proposed. This application is classified as a minor modification.**

*F. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH and AE as shown on the flood insurance rate map shall:*

- 1. Be on site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or*
- 2. Meet the requirements of subsection E.6. of this section and the elevation and anchoring requirements for manufactured homes.*

**Applicant's Response: N/A. No recreational vehicles are proposed in this application.**

*G. Below Grade Crawlspace. Below grade crawlspaces are allowed subject to the following standards. It should be noted that there are potential increased charges to personal insurance costs for below grade crawlspaces.*

**Applicant's Response: N/A. No below-grade crawl spaces are proposed in this application.**

*1. The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and effects of buoyancy can usually be addressed through the required openings stated in subsection 2. below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.*

**Applicant's Response: The scope of work proposed in this application that is applicable to this section would be the new accessibility ramp. This component is both set in foundation and designed to resist buoyancy and movement in a flooding event.**

*2. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.*

**Applicant's Response: N/A. No below-grade crawlspaces are proposed in this application.**

3. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

**Applicant's Response: The work proposed is primarily below the BFE. Permanent structures proposed in this application are concrete and galvanized steel; both are inherently resistant to damages of flood waters. Non-permanent improvements located below the BFE are subject to the flood management plan.**

4. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodways cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

**Applicant's Response: N/A. No below-grade crawlspaces are proposed in this application.**

5. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

**Applicant's Response: N/A. No below-grade crawlspaces are proposed in this application.**

6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitations is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

**Applicant's Response: N/A. No below-grade crawlspaces are proposed in this application.**

7. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

**Applicant's Response: N/A. No below-grade crawlspaces are proposed in this application.**

8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For areas with floodwater velocities in excess of five feet per second, below grade crawlspaces are prohibited.

**Applicant's Response: N/A. No below-grade crawlspaces are proposed in this application.**

17.42.170 - Review of building permits.

Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

**Applicant's Response: The subject property is completely within the floodplain. The existing structure shall remain the same square footage. No increase in building area is proposed. The added volume shall consist of a new accessible ramp located on the east side of the building. Refer to 17.42.160.D.1 for description of the balanced cut and fill.**

Other improvements such as food carts are inherently temporary in nature and shall be managed through a flood management plan. These improvements include food carts and fixtures and furnishings that shall be non-fixed. The food carts shall have written into their leases that, upon notice of a flood, the food cart “pads” must be vacated within 24 hours. “Pad” refers to the leasable space provided to each tenant and illustrated on the site plan. Food carts shall be located within the areas illustrated on the site plan(s).

Food carts are essentially trailers that can be relocated easily in the case of an emergency. The evacuation of any and all food carts upon notice of flooding shall be listed on any building permits applied for.

This area is not prone to flash flooding. This area is prone to flooding during extreme and prolonged weather events that are calculatable with a factor of reasonable assertion. For this reason, the applicant asserts the test of reasonableness can be made by the building official.

*17.42.180 - Subdivision standards.*

*A. Subdivision Proposals.*

*1. All subdivision proposals shall be consistent with the need to minimize flood damage.*

**Applicant’s Response: N/A. No subdivision is proposed.**

*2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.*

**Applicant’s Response: N/A. No subdivision is proposed.**

*3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.*

**Applicant’s Response: N/A. No subdivision is proposed.**

*4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).*

**Applicant’s Response: N/A. No subdivision is proposed. Base flood data is available.**

*5. All structures and site grading developed or conducted in conjunction with a subdivision proposal shall comply with Section 17.42.160, flood management area standards.*

**Applicant’s Response: N/A. No subdivision is proposed. Base flood data is available.**

*B. The purpose of this section is to allow density accruing to portions of a property within the flood management overlay district to be transferred outside the overlay district.*

*1. Density transfers shall be allowed if the applicant demonstrates compliance with the following standards:*

*a. The density transfer is proposed as part of a subdivision.*

*b. Minimum density standards will not increase due to the density transfers.*

*c. The area of land contained in a flood management area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.*

**Applicant’s Response: N/A. No density transfer is requested in this application.**

*17.42.190 - Floodways.*

Located within areas of special flood hazard established in Section 17.42.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

**Applicant's Response: Greenbox Architecture has reviewed the applicable firm map and determined this property is not within the floodway. This section is not applicable.**

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood management area standards of Sections 17.42.160 through 17.42.190.

**Applicant's Response: Greenbox Architecture has reviewed the applicable firm map and determined this property is not within the floodway. This section is not applicable.**

C. Below-grade crawlspace construction is allowed in the floodplain in accordance with the Oregon Residential Specialty Code and the Oregon State Structural Specialty Code as adopted by local building code.

**Applicant's Response: N/A. No below-grade crawlspaces are proposed in this application.**

D. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**Applicant's Response: The subject property is located within the AE and X flood zones. This section applies to substantial developments. This application proposes minor alterations such as accessibility ramps and food carts that are temporary in nature. The Architect of Record has calculated a balanced cut and fill on site. The proposed development meets the approval criteria.**

#### **GEOLOGIC HAZARDS – CHAPTER 17.44**

**17.44.025** - When required; regulated activities; permit and approval requirements.

No person shall engage in any of the following regulated activities within the adopted Oregon City Geologic Hazards Overlay Zone as defined in section 17.04.515 of the Oregon City Municipal Code without first obtaining permits or approvals as required by this chapter:

- A. Installation or construction of an accessory structure greater than 500 square feet in area;
- B. Development of land, construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to the Oregon City Municipal Code;
- C. Tree removal on slopes greater than 25 percent where canopy area removal exceeds 25 percent of the lot.
- D. Excavation which exceeds two feet in depth, or which involves twenty-five or more cubic yards of volume;

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

**Applicant's Response: The applicant does not propose to perform items A-C above. The applicant is proposing excavation which will require a permit or approvals as required by this chapter. The application shall apply for required grading or utility permits required by the Authority Having Jurisdiction.**

**17.44.030 - Procedures.**

*No building or site development permit or other authorization for development shall be issued until the plans and other documents required by this chapter have been reviewed and found by the review authority to comply with the requirements of this chapter.*

- A. *Where the development is part of a land use permit application, review shall occur in the manner established in Chapter 17.50 for review of land use decisions.*
- B. *Where the development is part of a limited land use permit application, review shall occur in the manner established in Chapter 17.50 for review of limited land use decisions.*
- C. *Where the development is solely part of a grading permit or building permit, the city engineer may allow review to occur in the manner established in Title 15, Chapters 15.04 and 15.48 if the application meets Section 17.44.060 development standards.*
- D. *For any other proposed development not otherwise subject to review as a land use or limited land use permit application, review shall occur in the manner established in Chapter 17.50 for limited land use decisions.*

**Applicant's Response: It is the applicant's understanding this development is part of a limited land use permit application. Review shall occur in the manner established in Chapter 17.50 for review of limited land use decisions.**

**17.44.035 - Exemptions.**

*The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.*

- A. *An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;*
- B. *A fill which does not exceed two feet in depth or twenty-five cubic yards of volume;*
- C. *Structural alteration of any structure of less than five hundred square feet that does not involve grading as defined in this chapter;*
- D. *Installation, construction, reconstruction, or replacement of utility lines in city right-of-way, or public easement, not including electric substations;*
- E. *The removal or control of noxious vegetation;*
- F. *Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or city engineer/public works director on all others within one working day following the commencement of the emergency activity. If the city engineer/public works director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.*

**Applicant's Response: This project is not exempt.**

**CHAPTER 17.58 LAWFUL NONCONFORMING USES, LOTS, STRUCTURES, AND SITES**

**17.58.040 - Lawful nonconforming structure or site.**

*A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawful nonconforming. Notwithstanding*

development standard requirements in this Code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

- A. *Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.*
- B. *Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.*
- C. *Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.*
  1. *In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.*
  2. *Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a. below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.*
    - a. *Thresholds triggering compliance. The standards of subparagraph C.2.b. below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the Community Development Director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:*
      1. *Proposed alterations to meet approved fire and life safety agreements;*
      2. *Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;*
      3. *Alterations required to meet Seismic Design Requirements; and*
      4. *Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.*

**Applicant's Response: The existing building is a lawful non-confirming structure or site. The appropriateness of the building use and site design has been determined in previous land use actions and is not subject to review in this application. The proposed roof canopy covers exterior seating for the mobile food units and has an estimated valuation of less than \$40,000. It is not attached to the existing building nor does it increase the square footage of the existing building.**

**Though the canopy is proposed to be adjacent to the building, the applicant asserts it is not an expansion of that building. It is not physically connected and not provided for the benefit of the existing building or the non-conforming use. Rather, this canopy is an amenity specifically required by provided/for this land use action related to the mobile food units.**

**Whether it be an expansion of a non-conforming use or a new confirming use on site, the development does not meet the threshold for review stated in Subsection 17.58.040.C.a. Approval criteria in Subsection 17.58.040.C.b is not applicable. The development director may find this**

application meets the approval criteria without further review of Chapter 17.58. The remainder of Chapter 17.58 is not applicable.

The proposed mobile food units, landscaping and exterior covered seating area are all applicable items under review in Chapter 17.62. refer to Chapter 17.62 for demonstrated conformance with applicable design standards.

- b. *Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.*
  - 1. *Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;*
  - 2. *Minimum perimeter parking lot landscaping;*
  - 3. *Minimum interior parking lot landscaping;*
  - 4. *Minimum site landscaping requirements;*
  - 5. *Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with OCMC 17.52—Off-Street Parking and Loading;*
  - 6. *Screening; and*
  - 7. *Paving of surface parking and exterior storage and display areas.*

**Applicant’s Response: N/A**

- c. *Area of required improvements.*
  - 1. *Generally. Except as provided in C.2.c.2. below, required improvements shall be made for the entire site.*
  - 2. *Exception for sites with ground leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:*
    - i. *The signed ground lease — or excerpts from the lease document satisfactory to the city attorney — shall be submitted to the Community Development Director. The portions of the lease shall include the following:*
      - A. *The term of the lease. In all cases, there shall be at least one year remaining on the ground lease; and*
      - B. *A legal description of the boundaries of the lease.*
    - ii. *The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and*
    - iii. *Screening shall not be required along the boundaries of ground leases that are interior to the site.*

**Applicant’s Response: N/A**

- d. *Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:*
  - 1. *Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b. above, is limited to ten percent of the value of*

*the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b. above.*

2. *Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58—1 below. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in subparagraph C.2.b. Where this option is chosen, the following shall be met:*
  - i. *Before a building permit is issued, the applicant shall submit the following to the Community Development Director:*
    - A. *A Nonconforming Development Assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in Subparagraph C.2.b.*
    - B. *A covenant, in a form approved by the City Attorney, executed by the property owner that meets the requirements of OCMC 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in Subparagraph C.2.b., and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date shall be within the compliance periods set out in Table 17.58 — 1.*
  - ii. *The nonconforming development identified in the Nonconforming Development Assessment shall be brought into full compliance with the requirements of this Title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58—1 below).*
  - iii. *By the end of the compliance period, the applicant or owner shall request that the site be certified by the Community Development Director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.*
  - iv. *If the regulations referred to by subparagraph C.2.b. are amended after the Nonconforming Development Assessment is received by the Community Development Director, and those amendments result in development on the site that was not addressed by the Assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate Nonconforming Development Assessment, covenant and compliance period will be required for the new nonconforming development.*

**Table 17.58—1: Compliance Periods for Option 2**

<i>Square footage of site</i>	<i>Compliance Period</i>
<i>Less than 150,000 sq. ft.</i>	<i>2 years</i>
<i>150,000 sq. ft. or more, up to 300,000 sq. ft.</i>	<i>3 years</i>
<i>300,000 sq. ft. or more, up to 500,000 sq. ft.</i>	<i>4 years</i>

<i>More than 500,000 sq. ft.</i>	<i>5 years</i>
----------------------------------	----------------

**Applicant’s Response: N/A**

*17.58.060 - Process to confirm the legality of a nonconforming use, lot, structure, or site.*

*Any person may request a Type I or a Type II review to confirm the legality of a nonconforming use, lot, structure or site. In order to confirm that the nonconforming use, lot, structure or site is legal, sufficient evidence shall be submitted to the city determining the following:*

*A. The nonconforming use, lot, structure or site was established lawfully; and*

**Applicant’s Response: N/A**

*B. The nonconforming use, lot, structure or site has not become more nonconforming within the past twenty years from the date of application.*

**Applicant’s Response: N/A**

*The applicant shall provide sufficient evidence to allow the Community Development Director to review and confirm the legality of a nonconforming use, lot, structure or site. An applicant may request a Type I procedure, provided the applicant can provide sufficient evidence to confirm OCMC 17.58.060A. and B. without discretion. If the applicant cannot provide sufficient evidence to determine OCMC 17.58.060A. and B. without discretion, the applicant may apply for a Type II procedure. Applications for a Type II procedures shall be noticed to the public in a public comment period to gather additional information. If the applicant cannot show that the nonconforming use, lot, structure or site was lawfully established or has not been expanded pursuant to OCMC 17.58.060A. and B. above, the use, lot, structure or site shall be determined to be illegal.*

**Applicant’s Response: N/A**



## Type I Site Plan and Design Review Addendum 3: Parking Lots

Changes to parking lots must demonstrate compliance with pedestrian circulation, outdoor lighting, and landscaping standards. Addendum 4: Landscaping, Addendum 5: Outdoor Lighting, and Addendum 6: Pedestrian Circulation may be required.

### 3.1 General Standards

This section is required to be completed for all parking lot modifications.

The parking lot is required to be hard surfaced. Proposed surface:  Concrete  Asphalt  Other \_\_\_\_\_

If parking spaces are inside a building interior, the ceiling height shall not be less than seven feet in height.  
Ceiling height \_\_\_\_\_  Not Applicable

Parking areas must be located behind, below, or on the sides of buildings. Does the proposal comply?  Yes  No

<i>Staff Only</i>			
Standards met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
	Initial _____		

### 3.2 Repaving of Previously Approved Parking Lots with no Change to Striping

Does the proposal include repaving a previously approved parking lot?  Yes  No  
If so, please complete this section. If not, please proceed to the next section.

File number and date of previous parking lot approval: \_\_\_\_\_

Aerial photos identifying the location of the previously approved parking lot striping are required. Have the photos been provided?  Yes  No

A site plan identifying the proposed parking lot striping is required. Has a site plan been provided?  Yes  No

Does the parking lot striping match the exact location as the previously approved striping (an exemption is granted for ADA stalls)?  Yes  No

<i>Staff Only</i>			
Standards met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
	Initial _____		

### 3.3 Number of On-Site Parking Stalls

*The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. Uses not listed below are subject to a Type II review process. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.*

Does the proposal include changes to the number of on-site parking stalls?  Yes  No  
If so, please complete this section. If not, please proceed to the next section.

LAND USE	PARKING REQUIREMENTS per 1000 sf of net leasable area	
	MINIMUM	MAXIMUM
Hotel, Motel	1.0 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;	1 per 7 beds	1 per 5 beds
Hospital	2.00	4.00
Preschool Nursery/ Kindergarten	2.00	3.00
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
Multi-Family: Studio	1.0 per unit	1.25 per unit
Multi-Family: 1 Bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 Bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 Bedroom	1.75 per unit	2.50 per unit
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium, Meeting Room, Stadium, Religious Assembly Building, Movie Theater	.25 per seat	0.5 per seat
Retail Store, Shopping Center, Restaurants	4.10	5.00
Office	2.70	3.33
Medical or Dental Clinic	2.70	3.33
Sports Club, Recreation Facilities	Case Specific	5.40
Storage Warehouse, Freight Terminal	0.30	0.40
Manufacturing, Wholesale Establishment	1.60	1.67
Light Industrial, Industrial Park	1.3	1.60

A change in use within an existing habitable building located in the MUD Design District or the Willamette Falls Downtown District is exempt from additional parking requirements. The required number of parking stalls may be reduced in the Downtown Parking Overlay District by 50%. The minimum required number of stalls may be reduced by up to 10% when the property is adjacent to an existing or planned fixed public transit route or within 1,000 feet of an existing or planned transit stop. Additional reductions may be allowed in the Type II Site Plan Process.

Land Use restaurant Net Leasable Square Footage 2743

File number and date of previous parking lot approval (if applicable): \_\_\_\_\_

Parking reductions proposed:  Downtown Parking Overlay (50% reduction)  Transit route (10% reduction)

Number of Spaces Allowed (based on chart above):

Maximum 13 Minimum: 11

Number of Existing Parking Stalls on site: 48 Number of Proposed Parking Stalls on site: 28

Staff Only			
Standards met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
Initial	_____		

### 3.4 Shared Parking and On-street Parking

Is all of the minimum parking accounted for onsite?  Yes  No

If not, please complete this section. If so, please proceed to the next section.

**Shared Parking**

Is shared parking proposed?  Yes  No

If no, please proceed to the On-Street Parking section.

How many parties are involved in the proposed shared parking agreement? \_\_\_\_\_

List all parties involved below:

\_\_\_\_\_  
\_\_\_\_\_

Are all of proposed shared parking facilities within 1,000 feet of all uses?  Yes  No

Location of parking lot: \_\_\_\_\_

Location of properties utilizing the parking lot:

Address: \_\_\_\_\_ Distance to Parking Lot: \_\_\_\_\_ ft

Address: \_\_\_\_\_ Distance to Parking Lot: \_\_\_\_\_ ft

Address: \_\_\_\_\_ Distance to Parking Lot: \_\_\_\_\_ ft

A copy of a recorded deed, lease, contract, or other similar document authorizing the joint use is required. Has the document been provided?  Yes  No

**On-Street Parking**

Is on-street parking proposed?  Yes  No

If no, please proceed to Section 3.5.

*On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space must not obstruct a required clear vision area and it shall not violate any law or street standard. A site plan shall be submitted demonstrating compliance for the on-street parking stalls.*

Dimensional Standards for all Stalls:

Angle of Parking Stall	Length of Uninterrupted and Available Curb	Number of On-Street Stalls Abutting Property
0 (Parallel)	22'	
45/60 degree	15'	
90 degree	12'	

Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use, but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.

Are the stalls available for general public use at all times?  Yes  No

Are there any signs or other actions that limit general public use of the parking stall?  Yes  No

<i>Staff Only</i>				
Standards met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable	Initial _____

**3.5 Change in Parking Space Sizes, Lot Layout and Circulation**

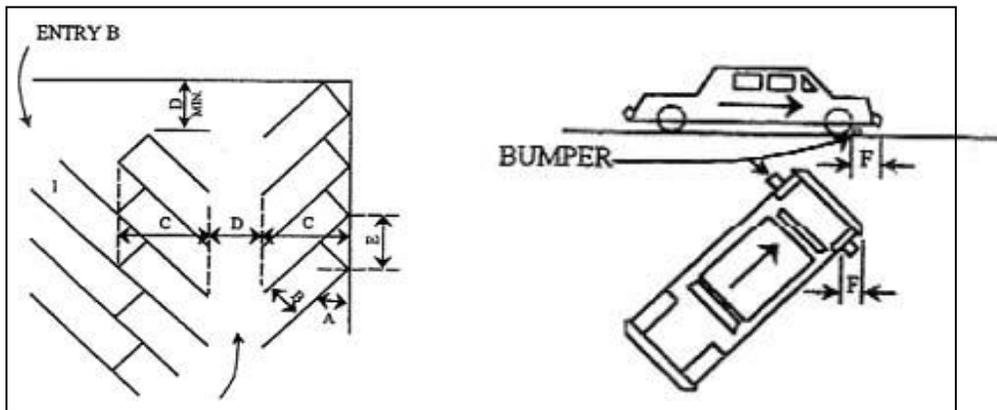
Does the proposal include changes to the parking lot layout, parking space sizes, or circulation?

Yes  No If so, please complete this section. If not, this addendum is complete.

Please describe the proposed parking lot layout and/or circulation changes in detail.

20 parking spots are being eliminated from the East side of the site. Vehicle ingress and egress on the east side of the building will be eliminated as the parking lot curb cuts will be eliminated. Vehicle ingress and egress is now from the west side of the building, on Center Street or on 14th Street.

A Parking Angle	Standard Compact	B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 Degrees		8.5'	9.0'	12'	20'	0'
30 Degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 Degrees	Standard Compact	8.5' 8.5'	19.8' 17.0'	13' 13'	12.7' 11.3'	1.4'
60 Degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7'
90 Degrees	Standard Compact	9' 8'	19.0' 16.0'	24' 22'	9' 8'	1.5'



Up to thirty-five percent of the minimum required parking may be compact while the remaining minimum are standard.

Minimum Number of Parking Stalls Required: 11

Number above multiplied by 0.35: 3.85

**Standard**

Number of Standard Stalls Onsite: 30

Parking Angle: 0

Stall Width: 9'

Aisle Width: 24'

Curb Length: 9'

Stall to Curb Length: 19'

Overhang: 1.5'

**Compact**

Number of Compact Stalls Onsite: 0

Parking Angle: na

Stall Width: na

Aisle Width: na

Curb Length: na

Stall to Curb Length: na

Overhang: na

**Other**

Number of Compact Stalls Onsite: 0

Parking Angle: na

Stall Width: na

Aisle Width: na

Curb Length: na

Stall to Curb Length: na

Overhang: na

<i>Staff Only</i>			
Standards met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
			Initial _____

# Type I Site Plan and Design Review

## Addendum 5: Outdoor Lighting

*Changes to outdoor lighting must be in compliance with Oregon City Municipal Code Section 17.62.065.*

Has an exterior lighting plan been provided?

Yes  No

### 5.1: Lighting Levels

Requirement	Check if Yes	Check if No	Check if no changes are proposed	Staff Confirmation
Lighting shall be provided in parking lots and vehicular circulation areas.	X			
Lighting shall be provided in pedestrian walkways, pedestrian plazas, and pedestrian circulation areas.	X			
Lighting shall be provided at all building entrances. Main building entrances shall be well lighted and visible from any transit street. The minimum lighting level for building entries fronting on a transit street shall be three foot-candles.	X			
With the exception of pedestrian scale lighting, all light sources shall be concealed or shielded with a full cut-off style fixture	X			
The maximum height of any lighting pole serving a multi-family residential use shall be 20 feet. The maximum height serving any other type of use shall be 25 feet, except in parking lots larger than 5 acres, the maximum height shall be 35 feet if the pole is located at least 100 feet from any residential use. Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses are allowed a pole height of 80 feet.			X	
Floodlights shall not be utilized to light all or any portion of a building facade between 10 p.m. and 6 a.m.			X	
Lighting on outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.		X		
All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.	X			
Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.			X	
For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.			X	

No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.	X			
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## Type I Site Plan and Design Review Addendum 7: Fences, Hedges, Walls and Retaining Walls

Changes to fences, walls, and hedges must be in compliance with Oregon City Municipal Code Section 17.54.100, 17.62.050.A.9, 17.62.050.A.21, and 10.32. **Addendum 1.1: Exterior, Building Materials 1.2: Transparency and Modifications to Windows and/or Doors, and Addendum 6: Pedestrian Circulation** must be completed in addition to this application.

### 7.1 General Standards

This section is required to be completed for all fences, hedges, walls and retaining walls on commercial, industrial, institutional, mixed-use, and multi-family developments.

The Type I Site Plan and Design Review is only applicable for fences, hedges, walls and retaining walls further than 20 feet from the public right-of-way. Does this proposal comply?  Yes  No

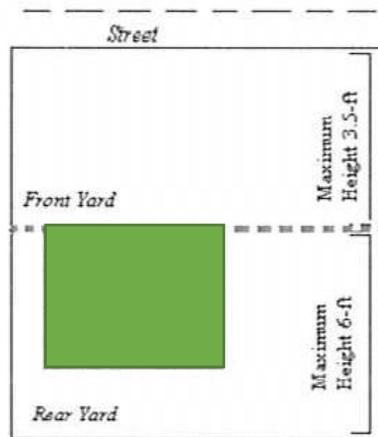
Distance between proposed fence and public right-of-way? 5'-4"

Will the fence block be located between the building and the street?  Yes  No

What is the proposed structure?

Fence  Wall  Retaining Wall  Hedge  Other \_\_\_\_\_

Location: Impermanent fences will be used to block site access after business hours at the pedestrian entrances and at the south side of the building, nearest the existing trash enclosure



### 7.2 Height of Fences, Hedges and Walls

Note: Fence height is measured from the finished grade at any point on the fence.

Does the proposal include a fence, hedge or wall (excluding retaining walls)?  Yes  No

If so, please complete this section. If not, please proceed to the next section.

The maximum height for fences, hedges, and walls in front of the front façade or within 40' of the public right-of-way (whichever is less) is 3.5 feet (42").

All other fences located next to or behind the forward most building may not exceed 6' in total height for residential properties with less than five units.

Fences located next to or behind the forward most building may not exceed eight feet (8') in total height for all other uses.

Note that individual plants and trees may be taller than 42" if there is at least 1' clearance between each plant.

Maximum Proposed Height in Front of the Front Façade or within 40' of the Right-of-Way (whichever is less):  
42"

Maximum Proposed Height: 42"

<i>Staff Only</i>			
Standards met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
			Initial _____

### 7.3 Height of Retaining Walls

Does the proposal include a retaining wall?

Yes  No

If so, please complete this section. If not, this addendum is complete.

The maximum height for fences, hedges, walls and retaining walls in front of the front façade of the forward most building or within 40' of the public right-of-way (whichever is less) is 42".

The maximum height for a retaining wall, or combination of a fence, hedge, wall and retaining wall located next to or behind the forward most building, or within more than forty feet of the right-of-way, whichever is less, may be up to 8.5 feet (8.5') in height from the finished grade.

Maximum Proposed Height in Front of the Front Façade or within 40' of the Right-of-Way (whichever is less):  
\_\_\_\_\_

Maximum Proposed Height Overall: \_\_\_\_\_

#### Fences on Retaining Walls



Maximum Combined Height of Fence/Wall/Hedge/Retaining Wall/Berm is 8.5', though the Fence/Wall/Hedge may be no taller than 6'.



Minimum Separation of 2' between Walls

Fences on top of retaining walls must be setback 2' if the retaining wall and fence combined exceed the maximum height of the retaining wall. In addition, the fence may be no taller than 6' in height.

The Fence is Setback \_\_\_\_\_ Feet from the Retaining Wall

Maximum Height of Retaining Wall: \_\_\_\_\_ Maximum Height of Fence: \_\_\_\_\_

<i>Staff Only</i>			
Standards met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
			Initial _____

### 7.4 Fences, Hedges, and Walls within the Public Right-of-Way (DS)

Are any fences, hedges or walls proposed within the public right-of-way?  Yes  No

If yes, please complete the following:

When no other practicable alternative exists, the City Engineer may permit a fence, hedge, wall, retaining all, or combination thereof to be located within the right-of-way subject to all of the following:

Has the City Engineer determined that there is no practical alternative to the placement of the wall within the public right-of-way?  Yes  No

If yes, have you obtained a Revocable Permanent Obstruction in the Right of Way permit is granted by the City Engineer per OCMC 12.04.120?  Yes  No

Permit # \_\_\_\_\_

Does the proposed retaining walls, fences, or hedges comply with the fence height requirements of Sections 7.1, 7.2 and 7.3 (OCMC 17.54.100.A), unless determined to be impracticable by the City Engineer?

Yes  No

Does the fence, hedge or wall comply with the Traffic Sight Obstruction requirements in Chapter 10.32 of the Oregon City Municipal Code?

Yes  No

<i>Staff Only</i>			
Standards met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable
			Initial _____

Notes:



## Type I Site Plan and Design Review Addendum 10: Bicycle Parking

*Changes to bicycle parking must be in compliance with Oregon City Municipal Code Section 17.52.040. Bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than five dwellings onsite (excluding cluster housing).*

### 10.1 Bicycle Parking: Number and Type

Please describe the proposed bicycle parking modifications in detail.

Four new bicycle parking spots are located near the ADA accessible ramp on the East side entrance to the building.

Use	Bicycle Parking Required	Covered Bicycle Parking Required
Correctional institution	1 per 15 auto spaces (minimum of 2)	30% (minimum of 1)
Multi-family (five or more units)	1 per 10 units (minimum of 2)	50% (minimum of 1)
Nursing home or care facility	1 per 30 auto spaces (minimum of 2)	30% (minimum of 1)
Hospital	1 per 20 auto spaces (minimum of 2)	30% (minimum of 1)
Park-and-ride lot	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Transit center	1 per 5 auto spaces (minimum of 2)	50% (minimum of 1)
Parks and open space	1 per 10 auto spaces (minimum of 2)	0%
Public parking lots	1 per 10 auto spaces (minimum of 2)	50% (minimum of 1)
Automobile parking structures	1 per 10 auto spaces (minimum of 4)	80% (minimum of 2)
Religious institutions, movie theater, auditorium or meeting room	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Libraries, museums	1 per 5 auto spaces (minimum of 2)	30% (minimum of 1)
Preschool, nursery, kindergarten	2 per classroom (minimum of 2)	50% (minimum of 1)
Elementary	4 per classroom (minimum of 2)	50% (minimum of 1)
Junior high and High school	2 per classroom (minimum of 2)	50% (minimum of 2)

College, business/commercial schools	2 per classroom (minimum of 2)	50% (minimum of 1)
Swimming pools, gymnasiums, ball courts	1 per 10 auto spaces (minimum of 2)	30% (minimum of 1)
Retail stores and shopping centers	1 per 20 auto spaces (minimum of 2)	50% (minimum of 2)
Retail stores handling exclusively bulky merchandise such as automobile, boat or trailer sales or rental	1 per 40 auto spaces (minimum of 2)	0%
Bank, office	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Medical and dental clinic	1 per 20 auto spaces (minimum of 2)	50% (minimum of 1)
Eating and drinking establishment	1 per 20 auto spaces (minimum of 2)	0%
Gasoline service station	1 per 10 auto spaces (minimum of 2)	0%

Use of Site Eating and drinking establishment

Number of Existing Spaces	Number of Spaced Required	Number of Spaced Proposed
Minimum and Maximum Automobile Parking	Minimum: <u>11</u> Maximum: <u>13</u>	
Minimum Bicycle Parking Uncovered: <u>0</u> Covered: <u>0</u>	Uncovered: <u>0</u> Covered: <u>1</u>	Uncovered: <u>0</u> Covered: <u>4</u>

Security of Bicycle Parking (Mark all that Apply):

- Lockable enclosure onsite
- Secure room in a building onsite with signage directing the public to the location.
- A covered or uncovered bicycle rack onsite
- Bicycle parking within the adjacent right-of-way
- Other

\_\_\_\_\_

<i>Staff Only</i>				
Standards met?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Not Applicable	Initial _____

## 10.2 Bicycle Parking Location

<u>Requirement</u>	<u>Check if Yes</u>	<u>Check if No</u>	<u>Check if no changes are proposed</u>	<u>Staff Confirmation</u>
Bicycle parking areas shall be clearly marked or visible from on-site buildings or the street. If a bicycle parking area is not plainly visible from the street or main building entrance, a sign shall be posted indicating the location of the bicycle parking area.	X			
Indoor bicycle parking areas shall not require stairs to access the space.			X	
If sites have more than one building, bicycle parking shall be distributed as appropriate to serve all buildings.	X			

## 10.3 Bicycle Rack Design (see examples on next page)

<u>Requirement: All Bicycle Racks shall be designed such that:</u>	<u>Check if Yes</u>	<u>Check if No</u>	<u>Check if no changes are proposed</u>	<u>Staff Confirmation</u>
The bicycle frame is supported horizontally at two or more places.	X			
The frame and at least one wheel of the bicycle can be locked to the rack with a standard U-type lock.	X			
The user is not required to lift the bicycle onto the bicycle rack.	X			
Each bicycle parking space is accessible without moving another bicycle.	X			
It is a minimum of thirty inches tall and eighteen inches wide between the two points of contact.	X			
Provides an area of six feet by two feet per bicycle.	X			
All bicycle racks and lockers shall be securely anchored to the ground or to a structure.	X			

**Examples of generally ACCEPTABLE Bicycle Rack Types:**



**Examples of generally UNACCEPTABLE Bicycle Rack Types:**



Images source: Portland Bureau of Transportation